



**POLICE ACCOUNTABILITY BOARD  
REGULAR MEETING AGENDA PACKET  
Wednesday, October 30, 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**

North Berkeley Senior Center  
1901 Hearst Avenue  
Berkeley, CA 94709  
([Click here for Directions](#))

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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

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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**

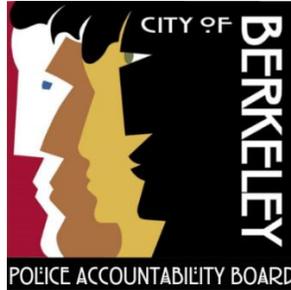
Hand sanitizing stations are available at the meeting locations. The bathrooms have soap and water for handwashing.

## **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

October 30, 2024 PAB Regular Meeting Agenda



**POLICE ACCOUNTABILITY BOARD**  
REGULAR MEETING AGENDA  
**WEDNESDAY, OCTOBER 30, 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**

North Berkeley Senior Center  
1901 Hearst Avenue  
Berkeley, CA 94709  
([Click here for Directions](#))

**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 October 9, 2024
- 5. ODPa STAFF REPORT (10 MINUTES)**
  - a. Introduction to Paul Buddenhagen, Berkeley City Manager
  - b. Introduction to Syed Irtaza Mehdi, ODPa Data Analyst
  - c. Announcements, updates, and other items.
    - i. Recap of PAB and ODPa Attendance at NACOLE
    - ii. BART Civilian Oversight Updates
    - iii. Marin County Civilian Oversight Ordinance
- 6. CHAIR AND BOARD MEMBERS' REPORTS (10 MINUTES)**

Announcements, updates, and other items.

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

Updates on 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. OLD BUSINESS (5 MINUTES)**

- a. Discussion and action on the PAB’s 2025 Regular Meeting Calendar (5 Minutes)

**10. NEW BUSINESS (40 MINUTES)**

- a. Discussion and action on new Policy Complaint 2024-PR-0005 in accordance with Section G. “Policy Complaints and Reviews” of the PAB’s Standing Rules<sup>1</sup> (ODPA) – (15 Minutes)
- b. Policy Review Updates (ODPA) – (10 Minutes)
- c. Discussion and action regarding proposed Berkeley Police Department Policy 307 “Vehicle Pursuits” (Leftwich) – (15 Minutes)

**11. 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.*

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<sup>1</sup> Standing Rules of the Police Accountability Board: [https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard\\_StandingRules.pdf](https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf)

**12. 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:

- 2023-CI-0016
- 2024-CI-0003
- 2024-CI-0004
- 2024-CI-0009
- 2024-CI-0012
- 2024-CI-0016
- 2024-CI-0017
- 2024-CI-0018
- 2024-CI-0019
- 2024-CI-0020
- 2024-CI-0021
- 2024-CI-0022
- 2024-CI-0023
- 2024-CI-0024
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- 2024-CI-0037
- 2024-CI-0038
- 2024-CI-0039
- 2024-CI-0040
- 2024-CI-0041
- 2024-CI-0042
- 2024-CI-0043
- 2024-CI-0044
- 2024-CI-0045
- 2024-CI-0046
- 2024-CI-0047
- 2024-CI-0048

**END OF CLOSED SESSION**

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

**14. ADJOURNMENT (1 MINUTE)**

**Off Agenda Reports & Resources**

- 1) Legislative Updates Relevant to the PAB's Work
- 2) Correspondences to the PAB
- 3) Reports of Interest
- 4) Articles of Interest

### **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>

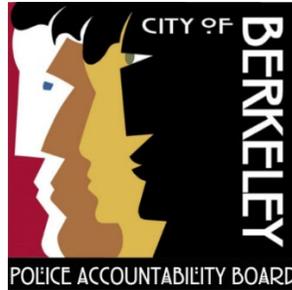
Email: [dpa@berkeleyca.gov](mailto:dpa@berkeleyca.gov)

#### **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

Minutes for the Regular Meeting of October 9, 2024



**POLICE ACCOUNTABILITY BOARD**  
REGULAR MEETING MINUTES  
**WEDNESDAY, OCTOBER 9, 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**

North Berkeley Senior Center  
1901 Hearst Avenue  
Berkeley, CA 94709

Meeting Recording: <https://youtu.be/rogRpVzB1ec?si=88bNk4848jDRP0kl>

MINUTES

**1. CALL TO ORDER AND ROLL CALL AT 6:31 PM**

**Present:** Board Member John Moore (Chair)  
Leah Wilson (Vice-Chair)<sup>1</sup>  
Board Member Brent Blackaby  
Board Member Kitty Calavita  
Board Member Joshua Cayetano  
Board Member Juliet Leftwich  
Board Member David Williams  
Board Member Alexander Mozes<sup>2</sup>

<sup>1</sup> Vice-Chair Wilson participated remotely on a “just cause” provision. Board Member Wilson was initially marked absent but arrived during ODPa staff reports at 6:41 PM.

<sup>2</sup> Board Member Mozes was initially marked absent but arrived shortly after the approval of the agenda at 6:36 PM.

**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  
**CAO Staff:** DCA Hylas  
**CMO Staff:** Dr. Carianna Arredondo, Assistant to the City Manager

## 2. APPROVAL OF AGENDA

### **Motion to approve the agenda<sup>3</sup>.**

Moved/Second (Calavita /Leftwich) Motion carried by general consent.

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

Noes: None. Abstain: None. Absent: Mozes

## 3. PUBLIC COMMENT

0 Physically Present Speaker(s)

0 Virtually Present Speaker(s)

## 4. APPROVAL OF MINUTES

a. Minutes for the Regular Meeting of September 25, 2024

### **Motion to approve the minutes for the Regular Meeting on September 25, 2024.**

Moved/Second (Leftwich/Calavita) Motion carried by general consent.

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

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

## 5. ODPa STAFF REPORT

Director Aguilar provided an update on staffing, ODPa outreach, training opportunities, and two recently published reports of interest to the PAB<sup>4</sup>. Investigator Wechter discussed

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<sup>3</sup> Board Member Calavita noted a typo on Item 10.a. The text "Police Reviews" should be "Policy Reviews."

<sup>4</sup> The reports are the following:

- "Healthy Black Families and the Fight for a Thriving Black Berkeley" Published by Healthy Black Families, Inc. & Mesu Strategies:  
[https://static1.squarespace.com/static/6179a5a21df0c4182effd99a/t/670437093dbf934c5a199993/1728329487712/mesuLLC-HBF-E4BB-Revised\\_compressed.pdf](https://static1.squarespace.com/static/6179a5a21df0c4182effd99a/t/670437093dbf934c5a199993/1728329487712/mesuLLC-HBF-E4BB-Revised_compressed.pdf)
- "Compounding Anti-Black Racial Disparities in Police Stops" Published by the Center for Policing Equity:  
<https://policingequity.org/traffic-safety/88-white-paper-compounding-anti-black-racial-disparities-in-police-stops/file>

the 2024 NACOLE Conference<sup>5</sup>, while Dr. Arredondo highlighted an upcoming Special Meeting on Reimagining Public Safety<sup>6</sup> and the Berkeley Harvest Festival<sup>7</sup>.

## 6. CHAIR AND BOARD MEMBERS' REPORTS

The Board did not provide any reports.

## 7. CHIEF OF POLICE'S REPORT

Chief Louis provided updates on BPD staff attending NACOLE, progress on the ALPR project (installation, training, deployment, and protocols), the PAB's draft Citygate letter, updates on the EWS quarterly audit, and the EIS platform RFP. She also addressed Board members' questions.

## 8. SUBCOMMITTEE REPORTS

Subcommittees report on their activities.

## 9. OLD BUSINESS

- a. Discussion and action regarding the Citygate Associates, LLC Workload Organizational Study of the Berkeley Police Department and the PAB's potential response to the report (ODPA)

### **Motion to adopt the proposed response to the Citygate Associates, LLC Workload Organizational Study of the Berkeley Police Department with amendments.**

Moved/Second (Cayetano/Calavita) Motion carried.

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

Noes: None. Abstain: None. Absent: None

- b. Discussion and action on appointing members to the subcommittee established to review Berkeley Police Department Policies 1010 and 1034 (ODPA)

Chair Moore and Board Member Williams volunteered to be members of the subcommittee.

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<sup>5</sup> National Association for Civilian Oversight of Law Enforcement 2024 Annual Conference:

[https://www.nacole.org/2024\\_annual\\_conference](https://www.nacole.org/2024_annual_conference)

<sup>6</sup> The Special Meeting of the City Council on Reimagining Public Safety is scheduled for October 29, 2024. The agenda and relevant materials can be found here: <https://berkeleyca.gov/your-government/city-council/city-council-agendas>

<sup>7</sup> For more information on the Berkeley Harvest Festival, please visit: <https://berkeleyca.gov/community-recreation/events/harvest-festival-0>

## 10. NEW BUSINESS

- a. Discussion and action regarding the presentation of ODPa Policy<sup>8</sup> Reviews (ODPA) – (30 Minutes)

- i. 2023-PR-0005 (15 Minutes)

### **Motion to accept the ODPa’s report for Policy Complaint 2023-PR-0005 and incorporate the PAB’s feedback.**

Moved/Second (Calavita/Mozes) Motion carried.

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

Noes: None. Abstain: None. Absent: None

- ii. Use of Force Review (15 Minutes)

### **Motion to accept the staff report and facilitate a meeting between the BPD and PAB to review the report.**

Moved/Second (Wilson/Blackaby) Motion carried.

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

Noes: None. Abstain: None. Absent: None

- b. Discussion and action on Chair Moore’s proposal to the PAB to initiate a policy review on social media usage by law enforcement

No action taken.

- c. Discussion and action on appointing a liaison to assist with drafting the annual report.

### **Motion to designate the Operations and Processes Subcommittee as a liaison to the ODPa to assist with drafting the annual report.**

Moved/Second (Wilson/Calavita) Motion carried.

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

Noes: None. Abstain: None. Absent: None

- d. Discussion and action on the PAB’s 2025 Regular Meeting Calendar (5 Minutes)

Item tabled to a future meeting.

- e. Discussion and action on Policy Reviews (20 Minutes):

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<sup>8</sup> Board Member Calavita noted a typo on Item 10.a. of the noticed agenda. The text “Police Reviews” should be “Policy Reviews.”

- i. PRC 2487
- ii. PRC 2488
- iii. ODPa 17
- iv. ODPa 19

**Motion to support the ODPa's request to issue subpoenas to the BPD for records related to Policy Review PRC 2487, PRC 2488, ODPa 17, and ODPa 19.**

Moved/Second (Moore/Wilson) Motion carried.

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

Noes: None. Abstain: None. Absent: None

**11. PUBLIC COMMENT (TBD)**

0 Physically Present Speaker(s)

0 Virtually Present Speaker(s)

**12. 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 accept the ODPa's recommendation for 2024-CI-0010 with revisions.**

Moved/Second (Leftwich/Moore) Motion carried.

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

Noes: None. Abstain: None. Absent: None

**END OF CLOSED SESSION**

**13. ANNOUNCEMENT OF CLOSED SESSION ACTIONS**

Chair Moore announced closed session actions.

**14. ADJOURNMENT**

Motion to adjourn. Moved/Second (Mozes/Calavita). The meeting was adjourned at 9:51 PM by unanimous consent.

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

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

DRAFT

Item 5

Biography of Syed Irtaza Mehdi, ODPA Data Analyst

## Syed Irtaza Mehdi, ODPa Data Analyst

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Syed Irtaza Mehdi started his career managing projects within organizations such as Kaiser Permanente, Google, and Amazon, becoming well-versed in Agile methodologies and process improvements. His journey in tech management, combined with a love for data-driven strategies, has blessed him with a strong foundation in operational efficiency and strategic analysis.

A graduate of UC Berkeley with a degree in Political Economy, Syed was a finalist in the *UC Berkeley Startup Incubator*, co-founding Inara, a mental health app that explored the intersection of mental health and blockchain technologies. He has a deep passion for harnessing innovative technologies to create real-world impact.

Outside the office, Syed is a people person who enjoys spending quality time with family, playing sports, hiking, and keeping up with the latest in tech. Whether he's on the field or exploring new technology trends, Syed brings enthusiasm and energy to everything he does, making the most of his professional and personal life.

Item 5

ODPA Memo Titled “Recap of 2024 Annual NACOLE Conference- Thirty Years of NACOLE: Progress. Preservation. Perseverance.”



## MEMORANDUM

**Date:** October 25, 2024  
**To:** Honorable Members of the Police Accountability Board  
**From:** Hansel A. Aguilar, Director of Police Accountability *Ha*  
**Subject:** Recap of 2024 Annual NACOLE Conference- Thirty Years of NACOLE: Progress. Preservation. Perseverance.

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### Background:

From October 13-17, 2024, the City of Berkeley had a notable presence at the 30th Annual NACOLE Conference held in Tucson, AZ. This conference, themed "Thirty Years of NACOLE: Progress. Preservation. Perseverance," provided a valuable platform to engage with civilian oversight peers and gain insights into advanced practices across the country. Berkeley's delegation represented a strong cross-section of departments committed to oversight, accountability, and community engagement.

### Delegation Overview:

The Berkeley delegation comprised representatives from four City Departments, underscoring the City's dedication to collaborative oversight initiatives:

- **Office of Diversity, Equity, and Inclusion (ODEI)**
  - Officer Rex Brown
- **Berkeley Police Department (BPD)**
  - Deputy Chief Jen Tate
  - Arlo Malmberg, Strategic Planning and Accountability Manager, Office of Strategic Planning and Accountability (OSPA)
- **Berkeley Police Accountability Board (PAB)**
  - Chair John "Chip" Moore
  - Vice-Chair Leah Wilson
  - Board Member Joshua Cayetano
- **Office of the Director of Police Accountability (ODPA)**
  - Director of Police Accountability Hansel Aguilar

- Investigator Jayson Wechter and Keegan Horton
- Analysts Jose Murillo (Policy) and Analyst Syed Mehdi (Data)

### **Conference Summary:**

The NACOLE conference featured a comprehensive agenda covering crucial areas such as transparency, community engagement, data-driven oversight, and alternative response models. Key sessions attended by the Berkeley delegation included:

- **Transparency and Collaboration:** Fostering trust through transparent communication with the public and media.
- **Behavioral Health Responses:** Examining alternative response models for law enforcement interactions with individuals in crisis.
- **Oversight Techniques:** Strategies for effective civilian oversight, including quantitative data use in biased policing investigations.
- **International Perspectives:** Insights on oversight practices from a global standpoint.

### **Networking and Collaborative Opportunities:**

In addition to the conference sessions, the delegation engaged in valuable discussions with oversight professionals and civilian oversight bodies nationwide. Specifically, Director Aguilar and Investigator Wechter led a round table titled: “The Critical Role of Board & Commission Member Training in Civilian Oversight”. These interactions provided a helpful temperature check with the oversight experiences across the country, new perspectives and potential areas for future collaboration that align with Berkeley’s accountability goals.

### **Conclusion:**

The NACOLE conference served as an essential educational experience for Berkeley’s delegation, reinforcing our commitment to transparency, procedural justice, and accountability. The knowledge gained and connections fostered will greatly benefit Berkeley’s continued efforts to enhance civilian oversight and reinforce public trust in law enforcement.

**Attachments:**

Symposium Agenda:

[https://assets.nationbuilder.com/nacole/pages/1437/attachments/original/1727279698/Conference\\_Schedule\\_for\\_website\\_09.24.24.pdf?1727279698](https://assets.nationbuilder.com/nacole/pages/1437/attachments/original/1727279698/Conference_Schedule_for_website_09.24.24.pdf?1727279698)

# 2024 Annual NACOLE Conference

***Thirty Years of NACOLE: Progress. Preservation. Perseverance.***

October 13-17, 2024 • Tucson, AZ



## Daily Schedule (Subject to change without notice)

Sunday, October 13, 2024							
8:30 a.m. – 5:00 p.m.	<i>Executive Leadership Forum (Additional Registration Required, open to Agency Directors ONLY)</i>						
10:00 a.m. – 5:00 p.m.	<i>Board and Commission Member Training (Additional Registration Required, open to Board and Commission Members)</i>						
5:00 p.m. – 6:00 p.m.	New Member and First Time Attendee Gathering						
6:30 p.m. – 8:00 p.m.	Opening Reception						
Monday, October 14, 2024							
7:30 a.m. – 9:00 a.m.	Continental Breakfast						
8:30 a.m. – 9:00 a.m.	Opening Remarks						
9:00 a.m. – 9:30 a.m.	Featured Speaker – Col. Jeffrey Glover, AZ Department of Public Safety						
9:30 a.m. – 11:00 a.m.	<i>The Three Faces of Jail and Prison Oversight in Arizona</i>						
11:15 a.m. – 12:30 p.m.	<i>The Faces of Police Oversight in Arizona</i>						
12:30 p.m. – 2:00 p.m.	Lunch on Your Own						
	<table border="1"> <thead> <tr> <th>TRACK: Involving and Engaging Stakeholders</th> <th>TRACK: Jail and Prison Oversight</th> </tr> </thead> <tbody> <tr> <td><i>Transparency, a Bridge to Trust &amp; Collaboration: How Oversight Agencies Can Share Information with Impacted Families, the Public, and Media</i></td> <td><i>Preventing and Reducing Prison Violence</i></td> </tr> <tr> <td><i>Law Enforcement Interactions with Persons Experiencing Behavioral Health Crisis: Exploring Alternative Response Models</i></td> <td><i>Protection &amp; Advocacy (P&amp;A) Organizations: An Untapped Correctional Oversight Resource</i></td> </tr> </tbody> </table>	TRACK: Involving and Engaging Stakeholders	TRACK: Jail and Prison Oversight	<i>Transparency, a Bridge to Trust &amp; Collaboration: How Oversight Agencies Can Share Information with Impacted Families, the Public, and Media</i>	<i>Preventing and Reducing Prison Violence</i>	<i>Law Enforcement Interactions with Persons Experiencing Behavioral Health Crisis: Exploring Alternative Response Models</i>	<i>Protection &amp; Advocacy (P&amp;A) Organizations: An Untapped Correctional Oversight Resource</i>
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2:00 p.m. – 3:30 p.m.							
3:45 p.m. – 5:15 p.m.							
6:30 p.m. – 9:00 p.m.	Scholarship Fundraiser Event (Additional Registration Required)						

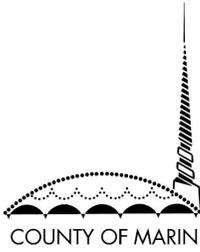
Tuesday, October 15, 2024			
	<b>TRACK: Involving and Engaging Stakeholders</b>	<b>TRACK: Sharpening Skills for Effective Oversight</b>	<b>TRACK: Jail and Prison Oversight</b>
7:30 a.m. – 9:00 a.m.	Continental Breakfast		
7:30 a.m. – 8:30 a.m.	Candidate Forum		
8:30 a.m. – 10:00 a.m.	<i>Advancing Justice: Emerging Topics in DOJ Civil Rights Investigations</i>		
10:15 a.m. – 11:45 a.m.	<i>Public Order Policing: A Modern Approach</i>	<i>Overcoming Obstacles: Strategies for Effective Civilian Oversight of Law Enforcement</i>	<i>Data Triangulation for High Impact Monitoring: Three Case Studies</i>
11:45 a.m. – 1:30 p.m.	Lunch on Your Own and Roundtables by Region		
1:30 p.m. – 3:00 p.m.	<i>The Prosecutor and Police Oversight: Seeking Alignment</i>	<i>An Iterative Approach to Oversight: Using a Series of Evaluation and Reporting Techniques to Assess Search Warrants</i>	<i>Monitoring the Health Care Provided to People in Custody</i>
3:15 p.m. – 4:45 p.m.	<i>The Intersection of Criminal Defense Litigation and Police Oversight</i>	<i>Quantitative Data as Evidence in Investigations of Biased Policing: Opportunities and Challenges</i>	<i>We’re Not the Enemy: Making Critiques and Responding to Resistance with Diplomacy</i>
5:00 p.m. – 6:00 p.m.	<i>Attendee-Driven Roundtable Discussions</i>	<i>The Critical Role of Board &amp; Commission Member Training in Civilian Oversight</i>	<i>Assessing and Communicating the Impact of Correctional Oversight</i>

Wednesday, October 16, 2024		
	<b>TRACK: Expanding Oversight's Impact</b>	<b>TRACK: Thinking Beyond Traditional Considerations</b>
7:30 a.m. – 9:00 a.m.	Continental Breakfast	
8:30 a.m. – 10:00 a.m.	<i>Transforming Policy Through Storytelling: How Storytelling Can Be A Powerful Tool for Community Oversight</i>	<i>Arbitration: The Achilles Heel of Oversight and Accountability</i>
10:15 a.m. – 12:00 p.m.	NACOLE Annual Meeting, Elections, and Membership Forum	
12:00 p.m. – 1:30 p.m.	Lunch on Your Own	
1:30 p.m. – 3:00 p.m.	<i>Know Your Oversight World - International and National Oversight</i>	<i>Unveiling Deputy Gangs: Understanding the Phenomenon and Implementing Oversight Measures</i>
3:15 p.m. – 4:45 p.m.	<i>Empowering POST Boards to Bolster State-level Oversight</i>	<i>Law Enforcement Misconduct Data: Standards and Working Towards "Standardization"</i>
5:00 p.m. – 6:00 p.m.	<i>Roundtable Discussion: Threats to Oversight's Effectiveness and Survival</i>	<i>Roundtable Discussion: Standardization of Data in Oversight</i>
7:00 p.m. – 9:30 p.m.	Keynote Dinner, NACOLE Awards, and Sankofa Celebration	

Thursday, October 17, 2024		
	<b>TRACK: Thinking Beyond Traditional Considerations</b>	
7:30 a.m. – 9:00 a.m.	Continental Breakfast	
8:30 a.m. – 10:00 a.m.	<i>Creating a Trauma-Informed Culture within Civilian Oversight</i>	
10:15 a.m. – 11:45 a.m.	<i>The SAJE Policing Assessment: Implementing and Evaluating an Assessment of Sound, Accountable, Just, and Effective Policing</i>	
11:45 a.m. – 12:00 p.m.	Closing Remarks – Conference Concludes – See you in 2025!	

Item 5

Marin County Staff Report Titled “Request from the Office of the County Executive to approve Introduction of an Ordinance to implement AB1185 Sheriff Oversight by establishing an Office of Inspector General and a Civilian Oversight Commission”



Derek Johnson  
COUNTY EXECUTIVE

October 29, 2024

Daniel Eilerman  
ASSISTANT COUNTY  
EXECUTIVE

Marin County Board of Supervisors  
3501 Civic Center Drive  
San Rafael, CA 94903

Ariel Espiritu Santo  
ASSISTANT COUNTY  
EXECUTIVE

**SUBJECT:** Request from the Office of the County Executive to approve Introduction of an Ordinance to implement AB1185 Sheriff Oversight by establishing an Office of Inspector General and a Civilian Oversight Commission

**RECOMMENDATION:** Introduce an Ordinance (Attachment A) to implement AB1185 Sheriff Oversight by establishing an Office of Inspector General and a Civilian Oversight Commission, and set the ordinance on the November 5, 2024 consent calendar for approval.

Marin County Civic Center  
3501 Civic Center Drive  
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[MarinCounty.gov/executive](http://MarinCounty.gov/executive)

**BACKGROUND:**

State Assembly Bill 1185 (AB1185, 2021) formalizes the authorization of County Boards of Supervisors to implement civilian oversight of Sheriff's Offices in California. In August of 2022, the County convened a Community Outreach Working Group (Working Group) to review the options for oversight provided by AB1185 and to develop recommendations on the preferred oversight structure based on input collected from the community. Fifteen members of the Marin community were selected to join this Working Group, representing all five supervisorial districts. These members were selected for professional, educational, and/or lived experience in areas pertinent to law enforcement oversight and connection to the Marin community.

To assist and guide the Working Group, the Office of Equity contracted the National Association for Civilian Oversight of Law Enforcement (NACOLE). NACOLE provided the Working Group with a foundational understanding of AB1185, best practices in civilian oversight, and promising oversight models from other jurisdictions nationwide. Additionally, NACOLE acted as facilitator for Working Group meetings, and provided technical assistance for collecting survey data, hosting focus groups, and drafting recommendations.

On June 13, 2023, the Board of Supervisors received an informational presentation on the Working Group's recommendations regarding civilian oversight. The Board agreed to move forward with "Option One" from the Working Group's recommendations (Attachment B), with minor staffing adjustments. This proposal includes creating both a Civilian Oversight Commission and an Office of the Inspector General. To support these efforts,

the County approved funding in its FY2023-2024 budget to hire an Inspector General, a Community Engagement Coordinator, and administrative support.

In February 2024, the County posted a draft Ordinance reflecting your Board's direction from June 2023 to its website. This draft Ordinance required a mandatory "meet and confer" process with the respective labor partners. After eight (8) sessions with Deputy Sheriff's Association (DSA) and Sheriff's Staff Officers Association (SSOA) the County and union representatives completed the "meet and confer" process in August 2024, which is a necessary legal process before the Board of Supervisor can consider adopting the Ordinance.

In California, government entities must follow the Myers Milias Brown Act (MMBA), which requires them to meet and confer in good faith with unions about any decisions that could impact employees' working conditions before making certain decisions. Marin County followed these legally required steps by meeting and conferring with law enforcement unions and carefully considering the interests of all stakeholders. The result of integrating comprehensive considerations including input from the Working Group, Board of Supervisors, and Labor partners is the draft ordinance (Attachment A) which is summarized below.

**SUMMARY OF THE ORDINANCE:**

The proposed Ordinance, which was posted to the County website in September, 2024<sup>1</sup>, establishes the duties and powers of a Civilian Oversight Commission (COC) and Office of Inspector General (OIG). The Ordinance sets up the framework for how the COC will operate and how the OIG will function in conjunction with civilian oversight of the Marin County Sheriff Office (MCSO).

In the overall context of Sheriff oversight across the state, this oversight proposal for Marin takes advantage of the full powers of AB1185 by calling for the authority to issue subpoenas by both the COC and OIG. Additionally, after review of a MCSO's completed investigation, the COC may authorize an independent investigation of a complaint against law enforcement, subject to existing law. If this ordinance is approved, Marin will be one of few Counties who have established these levels of oversight functions over the unique law enforcement structure of elected Sheriffs/Sheriff's Offices. The details of the Ordinance are laid out below.

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<sup>1</sup> A link to the proposed Ordinance was posted on 9/23/24, and a news release from the County was released on the same day to alert the public to its posting. This public posting of the Ordinance ahead of legal posting requirements furthers the County's commitment to transparency with this process. We have otherwise complied with applicable legal requirements that necessitated confidential discussions with labor partners.

***Office of the Inspector General (OIG):***

**Who:** The Inspector General will be an at-will employee of the County appointed by the County Executive. Staff of the Office of Inspector General will be within the County Executive's Office. To fulfill its MCSO oversight functions, the OIG will have access to information in the same manner as the Board of Supervisors has in its oversight functions. To the extent authorized by law, the OIG can confidentially inspect peace officer records without needing a Court order.

**Duties/Powers:** The OIG, in collaboration with the COC, provides oversight of the MCSO. Some specific ways the OIG is proposed to contribute to MCSO oversight are highlighted below:

- Establish, in collaboration with the COC, an OIG Complaint process for complaints regarding the MCSO from sources both internal and external to MCSO, including privacy protections for complainants and a procedure for handling anonymous complaints. OIG Complaints will be forwarded to the MCSO for investigation.
- In collaboration with the COC, recommend changes to MCSO policy, practices, training, and procedures based upon evidence-based effective practices.
- Produce public reports no less frequently than annually detailing the work of the COC and the OIG.
- Issue subpoenas to compel the production of documents, or testimony when deemed necessary to the OIG's oversight function and to the extent permitted by law.
- In collaboration with the MCSO, develop an "Operational Agreement" which establishes procedures for the exchange of information between the OIG and MCSO regarding peace officer complaint, misconduct, and use of force from the time complaints are received through completion of investigations.

***Civilian Oversight Commission (COC):***

**Who:** The COC includes nine (9) members appointed by the Board of Supervisors, that are Marin County residents. These members will reflect and represent the diversity of residents of the County, and lived experience with the criminal justice system, as well as demonstrated interest in civil rights, immigrant rights, disability rights/mental health, racial equity, social justice, and/or public safety in the county. Allowing consideration for members with law enforcement experience to join the COC would provide an opportunity for voices with direct experience in law enforcement operations to share their perspective. While not required, up to two (2) members may have previous law enforcement experience, however, they can never have worked for the MCSO.

**Duties/Powers:** The COC will collaborate with the OIG to assist in the oversight of the MCSO. The COC will also provide input in the hiring process of the Inspector General and consult on performance evaluations of the Inspector General. Some specific ways the COC is proposed to contribute to MCSO oversight are highlighted below:

- Establish, in collaboration with the OIG, an independent and accessible procedure for community member complaints regarding the MCSO.
- In collaboration with the OIG, conduct ongoing community outreach and engagement with all communities within the County.
- Receive and review completed peace officer complaint, misconduct, and use of force investigations to the extent allowed by law.
- With support of the OIG, develop and carry out a system and process to actively and continually monitor, report, and issue recommendations regarding MCSO compliance with all applicable policies, procedures, training, practices, and governing laws.
- Initiate an independent investigation into a completed MCSO investigation if the investigation is deemed insufficient and the MCSO has not addressed all raised concerns.
- Upon a two-thirds vote of the body of the COC, issue a subpoena to compel the production of information documents, or testimony when deemed necessary by the COC.

**NEXT STEPS:**

In conjunction with adoption of this Ordinance, Human Resources will bring the Inspector General job classification and recommended salary range to your Board for approval. If necessary, staff may return to your Board for budgetary adjustments.

Following the final adoption of the Oversight ordinance, the Office of County Executive (OCE) will launch a recruitment to fill the Civilian Oversight Commission positions. We anticipate the recruitment could take between 4-6 months and will be informed by best practices from other jurisdictions.

In partnership with the newly created Oversight Commission, the OCE will launch the recruitment for the Inspector General and we anticipate this process could take 4-6 months as well.

Once hired, the Inspector General will work with the Sheriff's Office to draft the Operating Agreement which is key to establishing the processes of how the OIG and the Sheriff's Office will implement the Ordinance operationally. This agreement will be subject to the MMBA and will require meet and confer process with the affected labor partners. This process should be completed in Fiscal Year 2025-2026.

**EQUITY IMPACT:**

As stated to the Board as part of the June 2023 Board Letter, Civilian oversight of law enforcement has been identified nationally as a powerful tool to build accountability, trust and transparency between communities and law enforcement organizations. National, regional, and local data suggests that communities of color are disproportionately impacted by standard law enforcement practices, evidenced by disproportionate rates of citation, arrest, incarceration, and use-of-force occurrences. The narrative data gathered by the Working Group suggests that these trends are felt by Marin’s communities of color, in areas such as the Canal, Marin City, Novato, and parts of West Marin.

A significant component of the Ordinance is the establishment of a Civilian Oversight Commission, comprised of community members from every supervisorial district. This type of representation and oversight, coupled with the development of an ongoing dialogue between the Sheriff Oversight Commission, the Office of the Inspector General, the Board, and the Sheriff, is expected to engender a more positive relationship with law enforcement and contribute to a key goal, which is transparency and police legitimacy<sup>2</sup>. Implementation of an oversight structure that encompasses the core findings of the Working Group, informed by community outreach, will serve to advance an oversight process that reflects the values of the community it serves.

**FISCAL IMPACT:**

The Board of Supervisors approved \$460,000 of baseline funding in the FY 2023-24 budget to support on-going staff and operating costs of the COC and OIG. Any budget adjustments required due to finalization of staff classifications or other operating needs will return to the Board for approval.

Please let me know if you have any questions or concerns.

**REVIEWED BY:**     County Executive             N/A  
                           Department of Finance  N/A  
                           County Counsel             N/A  
                           Human Resources         N/A

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<sup>2</sup> Per the President’s Task Force on 21st Century Policing Recommendations, police legitimacy reflects the belief that the police ought to be allowed to exercise their authority to maintain social order, manage conflicts, and solve problems in their communities. Legitimacy is reflected in three judgments. The first is public trust and confidence in the police. Second, legitimacy reflects the willingness of residents to defer to the law and to police authority, i.e. their sense of obligation and responsibility to accept police authority. Finally, legitimacy involves the belief that police actions are morally justified and appropriate to the circumstances.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'D. Johnson', is centered on the page. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Derek Johnson  
County Executive

ENC:

- **Attachment A:** An Ordinance of the County of Marin, State of California, Establishing the Civilian Oversight Commission and Office of Inspector General for oversight of the Marin County Sheriff's Office
- **Attachment B:** AB1185 Community Outreach Working Group Recommendations for Civilian Oversight of the Marin County Sheriff's Office

**FINAL TA August 22, 2024**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE COUNTY OF MARIN, STATE OF CALIFORNIA, ESTABLISHING THE CIVILIAN OVERSIGHT COMMISSION AND OFFICE OF INSPECTOR GENERAL FOR OVERSIGHT OF THE MARIN COUNTY SHERIFF'S OFFICE**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ORDAINS AS FOLLOWS:**

**SECTION 1. Findings**

The Board of Supervisors makes the following findings:

1. Government Code § 25303.7 authorizes the Board of Supervisors to establish a sheriff oversight board and Office of Inspector General to assist the Board with its duties required under § 25303 that are related to the Sheriff.
2. The Marin County Civil Grand Jury released a report in June 2022 recommending that the Board of Supervisors should create a citizen oversight board to establish county oversight of the Marin County Sheriff's Office ("MCSO"), provide a forum for residents to share feedback regarding Sheriff operations in the community, and to build trust between the MCSO and the communities it serves.
3. Government Code § 25303 states that the Board of Supervisors shall supervise the official conduct of all County officers and see that they faithfully perform their duties.
4. Government Code § 25303 makes clear that its provisions shall not be construed to affect or obstruct the independent and constitutionally and statutorily designated investigative and prosecutorial functions of the MCSO and District Attorney.
5. After public process, including development of a Community Outreach Working Group, conducting public surveys and focus groups, holding meetings, and consulting with the Office of Equity, MCSO, and National Association for Civilian Oversight of Law Enforcement, the Community Outreach Working Group developed recommendations on a preferred oversight structure pursuant to Government Code § 25303.7.
6. The Board of Supervisors desires to establish an independent community oversight structure for the MCSO with the goal of cultivating trust, transparency, and accountability, based on a foundation of the best practices in civilian oversight and oversight models for other jurisdictions nationwide.
7. The Marin County Sheriff's Office is committed to partnering with Marin communities to provide leadership and excellence in public safety; how the Sheriff's Office provides those services is critical to its success and working closely with the community in identifying and solving problems facing the

community is essential to providing quality service.

8. The Board of Supervisors has determined that it is appropriate to establish a Civilian Oversight Commission and Office of Inspector General to accomplish the duties and responsibilities set forth below.
9. The Board of Supervisors is establishing the Civilian Oversight Commission to provide the public an opportunity to directly participate in the oversight process of the MCSO. The Civilian Oversight Commission's purpose is to initiate, build and maintain a trusting relationship between members of the public and the MCSO through transparent, respectful, just, and accountable oversight that is rooted in public safety, justice, and accountability. The Civilian Oversight Commission will work in collaboration with the MCSO and the Office of Inspector General to fulfill this purpose.
10. The Board of Supervisors is establishing the Office of Inspector General to promote a constructive, community-centered culture within the MCSO through reviewing its policies, procedures, and operations and making recommendations. The Office of Inspector General will work collaboratively with and administratively support the Civilian Oversight Commission. The Office of Inspector General will review, monitor, and recommend improvements to MCSO practices, policies, training, and procedures – including how the MCSO handles complaints.

**SECTION 2. Chapter 2.37 of the Codified Ordinances of the County of Marin is hereby added to read as follows:**

**Chapter 2.37 - CIVILIAN OVERSIGHT COMMISSION AND OFFICE OF INSPECTOR GENERAL**

**Section 2.37.010 – Civilian Oversight Commission.**

A Civilian Oversight Commission (hereinafter "COC") is hereby established as a Board of Supervisors Discretionary Committee. The COC shall assist in the oversight of the Marin County Sheriff's Office (herein after "MCSO"). The COC's assistance in this function is a delegation of such authority held by Board of Supervisors pursuant to Government Code §§ 25303 and 25303.7. In providing such assistance, the COC will collaborate with the Office of Inspector General (herein after "OIG") and may direct the OIG as is enumerated herein. The COC will also provide input in the hiring process of the Inspector General, and consult on performance evaluations of the Inspector General, as specified herein.

**Section 2.37.020 – Duties and Powers.**

The duties and powers of the COC shall be as follows:

1. With the advice, assistance, and support of the OIG, establish bylaws and a code of conduct that is consistent with County policy and to be reviewed and approved by the Board of Supervisors.

2. Participate in the interview process of Inspector General candidates and provide candidate feedback. The COC will provide feedback on the effectiveness of the OIG to the Office of the County Executive (OCE) for the purpose of the OCE's annual performance review of the Inspector General.
3. Establish, in collaboration with the OIG, an independent and accessible procedure for community member complaints regarding the MCSO (hereinafter "OIG Complaints") that will be forwarded to the MCSO for investigation.
4. Maintain confidentiality in accordance with all applicable laws, including the Public Safety Officer Procedural Bill of Rights Act.
5. In collaboration with the OIG, conduct ongoing community outreach and engagement with all communities within the County.
6. Subject to the Operational Agreement described in Section 2.37.110.16, receive and review completed peace officer complaint, misconduct, and use of force investigations to the extent allowed by law, this ordinance, and procedures established by the COC and OIG, and create public reports consistent with all applicable laws allowing for such disclosure, as well as this ordinance, and procedures established by the COC and OIG.
7. With the advice, assistance, and support of the OIG, develop and carry out a system and process to actively and continually monitor, report, and issue recommendations regarding MCSO compliance with all applicable policies, procedures, training, practices, and governing laws.
8. To the extent permitted by law, inform the public of the status of investigations into officer-involved shootings and use of force investigations.
9. Produce annual public reports detailing the COC's community engagement efforts and other work. All public reports shall disclose information regarding specific incidents or MCSO personnel only to the extent permitted by all applicable laws and protecting the confidentiality of complainants and witnesses.
10. Develop procedures to require updates from the MCSO as to all officer-involved shooting or use of force investigations, as permitted by law.
11. Direct the OIG to collect and analyze data or information required to fulfill the COC duties, and once received, publicly report data as permitted by all applicable laws governing such disclosure.
12. Upon a two-thirds vote of the body of the COC, issue a subpoena pursuant to all requirements in Government Code § 25303.7(b), to compel the production of information documents, or testimony when deemed necessary by the COC and related to the COC's powers and duties, to the extent permitted by law.
13. Recommend additional duties for the OIG to the County Executive.

## **Section 2.37.030 – Organization and Administration.**

- 1. Meetings.** The COC shall meet at least once each quarter at a regularly established time and place unless modified at a prior public meeting or if a meeting needs to be cancelled due to a lack of a quorum. All meetings shall be public.
- 2. Composition.** The COC shall be composed of nine (9) members that are Marin County residents (“Commissioners”). The Board of Supervisors shall endeavor to broadly reflect and represent the diversity of residents of the County in their nominations, including varying ethnicities, race, sexual orientation, economic status, age, religion, citizenship status, housing/residence status, and lived experience with the criminal justice system, as well as demonstrated interest in civil rights, immigrant rights, disability rights/mental health, racial equity, social justice, and/or public safety in the county.
- 3. Qualifications.** Commissioners should have a demonstrated interest in public service and/or experience serving the community. The Board of Supervisors shall endeavor to appoint at least one (1), but no more than two (2) Commissioner(s) who shall have previous law enforcement experience. The Commissioner(s) with law enforcement experience must also meet the following criteria:
  - a.** They have not worked as a sworn law enforcement officer within the last four years, and they have not worked as a sworn law enforcement officer in Marin County within the last eight years.
  - b.** They have certified that they have never engaged in serious misconduct (as defined in Penal Code § 13510.8(b) or subsequent enactment) while serving as a sworn law enforcement officer.
  - c.** They have never been employed as sworn law enforcement in the Marin County Sheriff's Office.
- 4. Application and Appointment.**
  - a.** Five (5) of the nine (9) Commissioners shall be nominated and appointed by the Board of Supervisors, one for each supervisorial district. Residency shall be evaluated at the time of appointment only.
  - b.** Four (4) of the nine (9) Commissioners shall be appointed by the Board of Supervisors at-large.
  - c.** Upon appointment, commissioners shall take an oath of office and certify they have not been convicted of a serious and/or violent felony in the last ten years (as defined in Penal Code §§ 667.5 and 1192.7 or subsequent enactment).

5. **Appointment of Chairperson.** The Board of Supervisors delegates its authority to appoint one commissioner as Chairperson pursuant to Government Code § 25303.7(a)(2) to the COC.
6. **Term.** Initially, the Board of Supervisors shall appoint four (4) Commissioners in accordance with Section 2.37.030 4. b. to serve a three (3) year term, three (3) Commissioners to serve a two (2) year term, and two (2) Commissioners to serve a one (1) year term. Thereafter, all Commissioner terms shall be three (3) years. Commissioners may serve a maximum of two (2) consecutive terms.
7. **Stipend.** Stipends shall be paid to Commissioners in accordance with County policy.

### **Section 2.37.040 – Organization Training.**

The COC shall establish, in collaboration with the OIG and MCSO, a required training curriculum to ensure Commissioners possess necessary expertise to carry out the COC's mandates. The COC shall work with the OIG and the MCSO to update the training requirements as needed to stay relevant with the changing landscape of law enforcement. Training is to be conducted by experts on the topics listed herein and by others knowledgeable about effective practices in civilian oversight of law enforcement. Training may include, but is not limited to, the following example topics:

1. Public meeting laws, including the Brown Act and the California Public Records Act, ethics, implicit and explicit bias, sexual harassment, and cultural competency.
2. De-escalation/non-escalation techniques and philosophy.
3. Rehabilitative and restorative justice principles.
4. Behavioral health diversion implementation plan.
5. MCSO operations, policies, practices and procedures, case management systems, and deputy training.
6. Relevant MCSO facts, such as patrol staffing, calls for service, and crime data/statistics.
7. Information specific to jail operations and conditions of confinement pursuant to the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution, the United Nations Standard Minimum Rules for the Treatment of Prisoners, and California Code of Regulations Title 15 Minimum Standards for Local Detention Facilities.
8. Law enforcement oversight, community policing, and constitutional principles of policing.
9. Public Safety Officers Procedural Bill of Rights Act, and other relevant state and local laws including those related to law enforcement personnel actions

(e.g., Penal Code § 832.7; Penal Code § 148.6).

10. Labor related meet and confer policy and process.
11. Ride-a-longs, jail visits, community police academies, re-entry simulations, and other equivalent immersive experiences.
12. The criminal justice process (detentions, bookings and arrest, interaction with Immigration and Customs Enforcement officials, etc.).
13. Trauma-informed approaches, healing practices, peace officer stress, and Mental Health First Aide.
14. Investigative techniques, data analysis and policy writing.
15. Training regarding interaction with and support of diverse communities.

#### **Section 2.37.050 – Access to Information and Confidentiality.**

1. **Access to Information.** The COC and Commissioners may only be provided and/or disclose (including disclosure in the form of reports to the public, whether written or verbal) confidential, privileged, or otherwise protected information or records (including peace officer personnel records and information and medical and mental health records and information) as is permitted by law, allowed through a process established by the COC in consultation with County Counsel's Office, and as necessary to fulfill its oversight functions. The COC and the OIG may not request and shall not be provided with an employee's photograph, home address, personal telephone number, personal email address, or medical records.
2. **Confidentiality.** The confidentiality of peace officer personnel records, medical and mental health records of incarcerated individuals, other protected health information, and all other privileged or confidential information received by the COC in connection with the discharge of its duties shall be safeguarded and maintained by the COC as required by law, including the Public Safety Officers Procedural Bill of Rights Act (Government Code § 3300 et seq.), Penal Code §§ 832.5 and 832.7 et seq., and the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and as necessary to maintain any applicable privileges or the confidentiality of the information.
3. **Conflicts.** In the event of an actual or perceived conflict on a specific matter, the COC may recommend to the County Executive's Office that it contract with outside legal counsel to exclusively represent it on the specific matter, as necessary and in accordance with the COC's powers and duties.

#### **Section 2.37.100 – Office of Inspector General**

In order to fulfill its MCSO oversight functions, the OIG shall have access to information in the same manner as the Board of Supervisors has in its oversight functions pursuant to Government Code § 25303. The Inspector General shall be an at-will employee

of the County appointed by the County Executive, and the OIG will be within the County Executive's Office.

**Section 2.37.110 – Duties and Powers.**

The duties and powers of the Office of Inspector General shall be as follows:

1. Establish, in collaboration with the COC, an OIG Complaint process for complaints regarding the MCSO from sources both internal and external to MCSO, including privacy protections for complainants and a procedure for handling anonymous complaints. OIG Complaints will be forwarded to the MCSO for investigation.
2. Raising community awareness of the OIG Complaint process, including how to file a complaint.
3. Tracking the OIG Complaint process from submission to MCSO through completion of the investigation by the MCSO.
4. Performing ongoing analysis of complaint trends.
5. In collaboration with the COC, recommending changes to MCSO policy, practices, training, and procedures based upon evidence-based effective practices.
6. In collaboration with the MCSO Oversight Commission Sheriff liaison, develop procedures to ensure the OIG and COC are notified of all formal and informal complaints filed directly with the MCSO, with redactions as required by law.
7. In collaboration with the COC, conduct ongoing community outreach and engagement with all communities within the County.
8. Report to the COC regarding officer-involved shootings and use of force investigations, to the extent permitted by law.
9. Provide staff support to the COC, including staffing COC meetings and coordinating all required and specialized training for the COC.
10. Produce public reports no less than annually detailing the work of the COC and the OIG.
11. Develop a procedure to provide for the OIG's active and continual monitoring of the MCSO's compliance with all applicable policies, procedures, training, and/or practices, and governing laws, and issuing recommendations based thereon.
12. Initiate an independent investigation set forth in this ordinance.
13. Issue subpoenas, pursuant to Government Code § 25303.7(c)(2), to compel the production of information documents, or testimony when deemed necessary to

the OIG's oversight function and to the extent permitted by law. The person filling the Inspector General position shall sign the subpoena. The OIG shall develop procedures for compliance with any issued subpoena that shall comply with California law.

14. Conduct unannounced visits to the jail accompanied by the Sheriff's liaison or designee.
15. Develop procedures with the Sheriff's liaison for release of information, including body-worn camera footage.
16. In collaboration with the MCSO, develop an "Operational Agreement" which establishes procedures for the exchange of information between the OIG and MCSO regarding peace officer complaint, misconduct, and use of force from the time complaints are received through completion of investigations. The Operational Agreement, as well as all other COC and OIG policies and procedures required by this Ordinance, will be implemented in accordance with the meet and confer requirements of the Meyers-Milias Brown Act (Government Code section 3500 et seq.)

#### **Section 2.37.120 – Access to Information and Confidentiality.**

Consistent with the terms of the Operational Agreement, MCSO and all County departments, divisions, and programs shall cooperate with the OIG and promptly provide all information or records requested by the OIG, including, to the extent permitted by law, peace officer personnel records, medical and mental health records of incarcerated individuals, and related records as necessary for the OIG to carry out its duties. The OIG shall not have access to the employee's home address, personal telephone number(s), personal email address(es), medical records, social security number, banking information, or the names of the employee's spouse, domestic partner, parents, siblings, or any dependents.

The confidentiality of peace officer personnel records, medical and mental health records of incarcerated individuals, other protected health information, and all other privileged or confidential information received by the COC and OIG in connection with the discharge of its duties shall be safeguarded and maintained by the OIG as required by law, including the Public Safety Officers Procedural Bill of Rights Act (Government Code § 3300 et seq.), Penal Code §§ 832.5 and 832.7 et seq., and the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and as necessary to maintain any applicable privileges or the confidentiality of the information, including keeping documents in locked file cabinets and electronic information and records in encrypted files.

The OIG shall establish a process that enables the sharing of confidential information with appropriate County officials and employees in accordance with applicable law, when it is determined by the OIG that there is a need to share such information. Except as otherwise required by law, the OIG shall not disclose any confidential information outside of the County.

#### **Section 2.37.130 – Community Outreach**

The OIG, with the assistance of the COC, is responsible for community outreach and engagement with the communities within the County, with an emphasis on those within the primary responsibility of the MCSO, including:

1. Conducting community surveys pertinent to oversight of MCSO.
2. Ensuring multilingual (to the same extent as the Marin Registrar of Voters must follow pursuant to the California Elections Code) and ADA accessible communications.
3. Providing relevant content and outreach materials on the COC's website.
4. Collaborating with the COC and County staff to provide a community forum to gather concerns pertinent to incident-specific MCSO actions when deemed necessary, as well as using other resources to conduct outreach.
5. Ensuring the community has access to and is educated about oversight and the complaint processes.

#### **Section 2.37.200 – OIG Complaint Procedure**

The COC and OIG each have a duty to jointly develop an independent and accessible procedure for community member complaints regarding the MCSO, referred to herein as OIG Complaints. The complaint procedure shall be an alternative to directly submitting a complaint through the MCSO's complaint procedure. The complaint procedure should consider incarcerated individuals and their families and/or representatives and anonymous complaints. This complaint procedure shall comply with all applicable laws with respect to notifying the MCSO of the complaint.

The OIG Complaint procedure shall include a process for accepting internal and external complaints regarding the MCSO, and procedures to keep complaints anonymous and/or confidential as needed. The complaint procedure shall include measures designed to protect the complaining party. The COC shall review, on an ongoing basis and in conjunction with the OIG, the effectiveness of this complaint process and propose adjustments as needed.

OIG Complaints relating to specific conduct of peace officers shall be referred, with notice to the complainant (unless such complaint is anonymous), to the MCSO for action pursuant to Penal Code § 832.5.

#### **Section 2.37.210 – Independent Investigations**

Subject to the Operational Agreement, upon review of a completed complaint investigation by the MCSO's Internal Affairs Department, the COC may determine that the completed investigation is deficient because additional information is necessary and/or that the completed investigation is insufficient. In such cases, the OIG, in consultation with designees of the COC, shall identify specific areas of concern and may take the following actions to the extent permitted by law:

1. Request additional information not originally contained in the complaint investigation file be forwarded to the OIG for review, and/or
2. Return the investigation to the MCSO's Internal Affairs Unit for further investigation of the allegations.

The MCSO shall provide the information within a reasonable amount of time as determined by the COC and OIG and/or complete the further investigation.

If the investigation is deemed deficient after being returned, the Inspector General can refer the matter to the COC. Upon review, the COC can, to the extent permitted by law and upon a two-thirds vote of the body, direct the OIG to work with the County Executive's Office to contract with an independent investigator to conduct an independent investigation, unless doing so would violate the time limits set forth in the Public Safety Officers' Procedural Bill of Rights Act. The independent investigator shall have the same access to information as the OIG. The independent investigation report shall be provided to the OIG and the OIG shall report to the COC the results, in accordance with all applicable laws.

### **Section 2.37.220 – Reporting**

The OIG, with input from the COC, should develop a procedure to provide for the OIG's active and continual monitoring of the MCSO's compliance with all applicable policies, procedures, training, and/or practices, and governing laws, and issuing recommendations based thereon. This procedure shall include:

1. Reviewing MCSO's policies, procedures, training, and practices; auditing data patterns and trends from discipline issued by the MCSO for its peace officers; and monitoring MCSO facilities –including the jail – and addressing issues of concern to the community, MCSO, and the Board of Supervisors.
2. Reporting issues uncovered during monitoring of MCSO to the COC, and potentially providing recommendations.
3. Submitting recommendations to the MCSO and/or the Board of Supervisors after the COC has an opportunity to provide review and feedback.
4. Requiring the MCSO to respond to the recommendations with specificity and in writing within thirty (30) days from the date of submission to the MCSO.
5. In the event the OIG, COC, and MCSO are unable to resolve a disagreement regarding the recommendations, the parties will contact the County Executive to help resolve the issue, and the County Executive will notify the Board of Supervisors of unresolved issues as appropriate.

Additionally, the OIG and COC should produce public reports no less than annually detailing the work of the COC and the OIG, including, but not limited to: reviews completed, identified patterns and trends; recommendations for changes to policies, procedures, training, and/or practices; status updates on the implementation of any agreed upon changes to policies, procedures, training, and/or practices; community

engagement activities; data related to complaints received by the COC and MCSO; investigation outcomes, crime reports and statistics related to MCSO's jurisdiction, including but not limited to RIPA data; identified statistics or measures that may be relevant to MCSO oversight but are currently missing, unreported, or underreported; and trainings attended. County Counsel will review any public reports prepared by the OIG and/or COC prior to public release to ensure compliance with State laws, including but not limited to any privacy and/or confidentiality rights of employees.

### **Section 2.37.230 – Effectiveness Assessment**

The OIG and the COC shall, in consultation with each other, jointly prepare a self-assessment of their effectiveness. The self-assessment shall be conducted initially at the end of the third (3<sup>rd</sup>) year of the establishment of the COC and OIG, and thereafter every five (5) years.

1. First, the County Executive's Office shall solicit community feedback regarding the COC and OIG.
2. Next, COC shall schedule a public meeting for the purpose of gathering additional feedback from the public for use in the self-assessment.
3. Then, the OIG and the COC shall jointly prepare a confidential draft self-assessment. The self-assessment should be detailed and include: (a) a candid assessment of the strengths, opportunities, successes, and challenges of the COC and OIG; (b) recommended revisions to the COC and OIG's responsibilities and/or authority; and (c) recommendations on improvements regarding oversight operations.
4. The draft self-assessment shall be submitted to the County Executive's Office and the Sheriff for review.
5. The COC and the OIG shall review any feedback from the County Executive, the results of the community feedback obtained, and Sheriff to finalize the self-assessment, submit it to the Board of Supervisors and release it to the public.

### **Section 2.37.300 – Conformity with Applicable Law**

The COC and OIG shall not have any supervisory, administrative, managerial, operational, or other authority over the functions or personnel in any of the departments or entities that are the subject of its oversight. In addition, at no time shall the COC or OIG interfere with the independent constitutional and statutory authority of MCSO, including MCSO's investigative functions. Notwithstanding any provision of this Chapter to the contrary, all provisions of this Chapter shall be interpreted to be consistent with this subsection and all applicable federal, state, and local laws governing such conduct, and including provisions regarding the confidentiality of peace officer and health records.

Further, the Operational Agreement required by Section 237.110 (16) of this Ordinance, as well as all other COC and OIG policies and procedures required by this Ordinance, will be implemented in accordance with the meet and confer requirements of

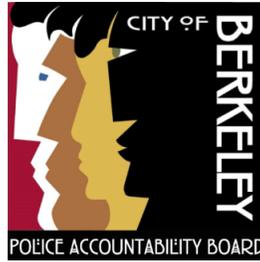
the Meyers-Milias Brown Act (Government Code section 3500 et seq.).

**Section 2.37.310 – Severability**

This Chapter and all of its provisions are severable. Should any section, subsection, sentence, clause, phrase, or word of this Chapter be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole, or any portion thereof, other than the portion declared to be unconstitutional or invalid.

Item 8

List of PAB Subcommittees



**SUBCOMMITTEES LIST**

<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	Cpt. Okies Lt. Cummings
<b>Conflict of Interest</b> Formed 03-29-23	Leftwich Wilson	Leftwich	N/A
<b>Unnamed – Policy Complaint 2023-PR-0003</b> Formed June 21, 2023	Wilson [Vacant]	Wilson	N/A

**Updated on 10/3/2024**

<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	Deputy Chief Tate Sgt. Speelman
<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
<b>Berkeley Police Department Policies 1010 and 1034 Review</b> Formed 9-25-2024	Moore Williams	TBD	TBD

**LIAISON LIST<sup>1</sup>**

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

**POLICY COMPLAINTS ASSIGNED TO INDIVIDUAL BOARD MEMBERS<sup>2</sup>**

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

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

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

Item 9

Proposed 2025 PAB Regular Meeting Calendar



### 2025 PAB REGULAR MEETING CALENDAR

The Berkeley City Charter states, “the Board shall establish a regular meeting schedule consisting of at least eighteen (18) meetings. Special meetings may be called by the chairperson of the Board or by a majority of the Board.” (Section 125(13)(a)).

No.	DATE	TIME
1	January 8, 2025	6:30 PM
2	January 22, 2025	6:30 PM
3	February 5, 2025	6:30 PM
4	February 19, 2025	6:30 PM
5	March 5, 2025	6:30 PM
6	March 19, 2025	6:30 PM
7	April 9, 2025	6:30 PM
8	April 23, 2025	6:30 PM
9	May 7, 2025	6:30 PM
10	May 21, 2025	6:30 PM
11	June 11, 2025	6:30 PM
12	June 25, 2025	6:30 PM
13	July 9, 2025	6:30 PM
14	July 23, 2025	6:30 PM
15	September 3, 2025	6:30 PM
16	September 17, 2025	6:30 PM
17	October 8, 2025	6:30 PM
18	November 5, 2025	6:30 PM
19	December 10, 2025	6:30 PM

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Item 10.a.

Policy Complaint 2024-PR-0005



## MEMORANDUM

**Date:** October 25, 2024  
**To:** Honorable Members of the Police Accountability Board  
**From:** Hansel A. Aguilar, Director of Police Accountability *HA*  
Jose Murillo, ODPa Policy Analyst *JM*  
**Subject:** Notice of Policy Complaint No. 2024-PR-0005

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The purpose of this memorandum is to introduce Policy Complaint Number 2024-PR-0005 to the Police Accountability Board (PAB) as required by Section G of the PAB's standing rules<sup>1</sup>.

### Background:

On Thursday, October 24, 2024, the Office of the Director of Police Accountability (ODPA) received Policy Complaint No. 2024-PR-0005 via email correspondence. See Attachment 1, Policy Complaint 2024-PR-0005. The complaint alleges that the Berkeley Police Department (BPD) has failed to report an improper use of force by a citizen to the District Attorney's Office (DA), destroyed evidence, presented false information, and "authorized" a member of the public to use a chokehold to restrain another community member. The complainant requests the following actions from the PAB:<sup>2</sup>

1. **"Immediate Investigation:** A full investigation into the role of Berkeley Police officers in these incidents and their efforts to protect [REDACTED], including any documentation that has been altered or destroyed.

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<sup>1</sup> Section G. "Policy Complaints and Reviews" of the PAB's Standing Rules:

[https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard\\_StandingRules.pdf](https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf)

<sup>2</sup> See Page 4 of Attachment 1.

2. **Disciplinary Action:** Appropriate consequences for the officers involved, up to and including termination if policy violations are confirmed.
3. **Review of Training and Policies:** A comprehensive review of the department's use-of-force training, including chokeholds, physical restraint, and authorization procedures for individuals like [REDACTED] to engage in these practices.
4. **Public Transparency:** A public report of findings and steps taken to prevent future misconduct.
5. **Restitution and Remedies:** Appropriate restitution to any individuals harmed by [REDACTED] actions, facilitated by the police.”

See Attachment 1.

**Potential Area(s) of Review:**

Berkeley City Charter Section 125(17)(a)<sup>3</sup> states that the PAB may “review policies, practices, and procedures of the Police Department in its discretion or at the request of a member of the public, due to a policy complaint, or due to a complaint from a member of the public against an officer.” If the PAB votes to accept this policy complaint, it would not have the authority to make disciplinary findings or provide restitution and remedies as requested. However, reviewing the BPD’s policies, practices, and procedures surrounding the events in question is within the scope of authority granted by the Berkeley City Charter.

Potential areas for PAB review based on the allegations presented in Policy Complaint No. 2024-PR-0005 include but are not limited to:

- BPD Policy 300.3.8 “Chokehold Prohibition”
- BPD Policy 300.6.5. “Public Records”
- BPD Policy 425.15 “Retention Requirements”

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<sup>3</sup> Berkeley City Charter Section 125(17)(a): [https://berkeley.municipal.codes/Charter/125\(17\)\(a\)](https://berkeley.municipal.codes/Charter/125(17)(a))

- BPD Policy 605 “Brady Material Disclosure”

These areas align with the PAB’s authority to review BPD’s policies and practices under Berkeley City Charter Section 125(17)(a).

**Courses of Action:**

Upon receiving a policy complaint, the Board can choose from several potential courses of action<sup>4</sup>, 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.

**Recommendation:**

The PAB should accept the policy complaint and direct ODPA staff to carry out the initial review.

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<sup>4</sup> Section G(3)(a) "Policy Complaints and Reviews" of the PAB's Standing Rules:  
[https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard\\_StandingRules.pdf](https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf)

# ATTACHMENT 1



# POLICY COMPLAINT FORM

## Office of the Director of Police Accountability (DPA)

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

Web: [www.cityofberkeley.info/dpa](http://www.cityofberkeley.info/dpa)

E-mail: [dpa@cityofberkeley.info](mailto:dpa@cityofberkeley.info)

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

Date Received:

October 24, 2024

DPA Case # \_\_\_\_\_

2024-PR-0005

Name of Complainant: \_\_\_\_\_  
Last First Middle

Mailing Address: \_\_\_\_\_  
Street City State Zip

Primary Phone: ( ) \_\_\_\_\_ Alt Phone: ( ) \_\_\_\_\_

E-mail address: \_\_\_\_\_

Occupation: \_\_\_\_\_ Gender: M Age: 26

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

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

use of chokeholds by \_\_\_\_\_, training of \_\_\_\_\_, Reporting of chokeholds to District Attorney. Internal affairs outright lying.

Location of Incident (if applicable) \_\_\_\_\_

Date & Time of Incident (if applicable) \_\_\_\_\_

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.

attached

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

ban chokeholds. report chokeholds to DA. Stop training chokeholds.

fire [REDACTED] and FRAUD SGT [REDACTED]

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.)

attached

### CERTIFICATION

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

[REDACTED]  
Signature of Complainant

10/24/24

Date

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

Internet

Berkeley Police Dept.

Newspaper: \_\_\_\_\_

Referred by: \_\_\_\_\_

Other: \_\_\_\_\_

## Policy Complaint Against Berkeley Police Department

### Introduction

This complaint addresses three distinct occasions in which [REDACTED], a convicted felon, has been protected, trained, and authorized to use chokeholds, physical restraint, and physical violence. In each of these instances, the Berkeley Police Department has allegedly conspired to cover up the actions of [REDACTED], raising concerns about misconduct, failure to uphold the law, and a disregard for police policies related to the use of force.

---

### Details of the Complaint

#### 1. First Incident: 2014, no police report

- **Allegation:** On June 25th 2014, [REDACTED], convicted felon and [REDACTED] at the Downtown Berkeley Association at the time, was involved in a physical altercation where he violently strangled a homeless man. Berkeley Police were sent an email of the incident but did not report or investigate instead approved the use of force and offered [REDACTED] additional training.
- **Policy Violations:** CHOKEHOLD PROHIBITION 300.3.8, CA GOV § 7286.5
- **Officers Involved:** [REDACTED], [REDACTED], [REDACTED]

#### 2. Second Incident: 2021 police report incomplete

- **Allegation:** On April 27th 2021, [REDACTED] engaged in physical violence at the Berkeley YMCA where he was the [REDACTED], using a chokehold on a Foreign Born tenant. Berkeley Police arrived at the scene and instructed the victim to act as if nothing happened and to go back to his apartment. Tenant [REDACTED] was choked for approximately 5 minutes by [REDACTED]. Berkeley Police destroyed bodycam footage and allowed the YMCA to delete theirs. Berkeley Police destroyed notes and reports associated with the incident.
- **Policy Violations:** CHOKEHOLD PROHIBITION 300.3.8, CA GOV § 7286.5
- **Officers Involved:** [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

#### 3. Third Incident: 2022 police report fraudulent

- **Allegation:** On February 4th 2022, Berkeley Police again authorized [REDACTED] to engage in physical restraint tactics during an incident at the Berkeley YMCA, despite knowledge of his criminal history and previous misuse of such techniques. This incident led to another cover-up effort by the police all the way to internal affairs [REDACTED], who lied about reporting the chokehold to the District Attorney. The District Attorney has confirmed never receiving anything.
- **Officers Involved:** [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED]

- **Policy Violations:** CHOKEHOLD PROHIBITION 300.3.8, CA GOV § 7286.5
- 

## Requested Actions

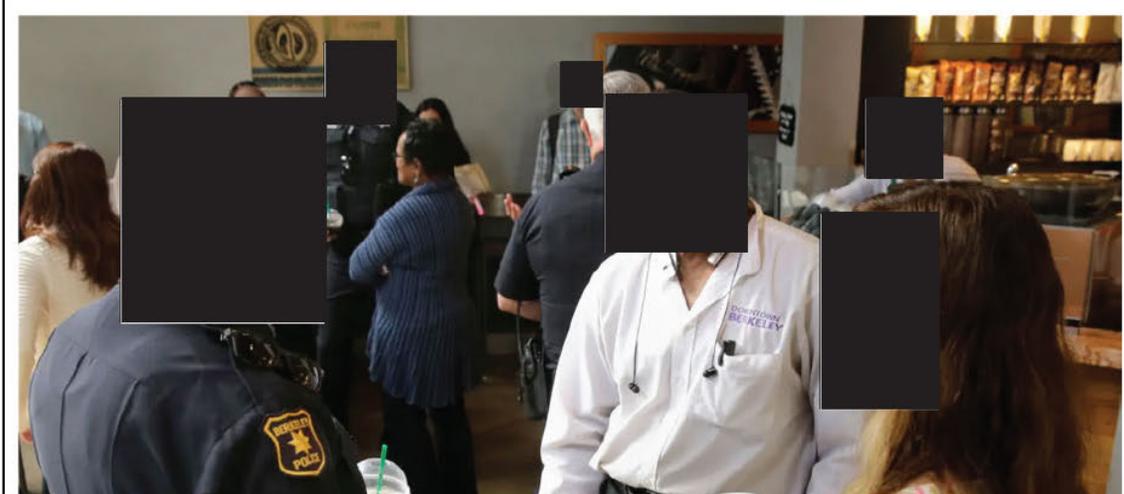
1. **Immediate Investigation:** A full investigation into the role of Berkeley Police officers in these incidents and their efforts to protect [REDACTED], including any documentation that has been altered or destroyed.
  2. **Disciplinary Action:** Appropriate consequences for the officers involved, up to and including termination if policy violations are confirmed.
  3. **Review of Training and Policies:** A comprehensive review of the department's use-of-force training, including chokeholds, physical restraint, and authorization procedures for individuals like [REDACTED] to engage in these practices.
  4. **Public Transparency:** A public report of findings and steps taken to prevent future misconduct.
  5. **Restitution and Remedies:** Appropriate restitution to any individuals harmed by [REDACTED] actions, facilitated by the police.
- 

## Conclusion

This complaint addresses a pattern of misconduct and cover-up within the Berkeley Police Department, specifically concerning the protection and authorization of [REDACTED] to use excessive force. The department's failure to take appropriate action in each of these incidents represents a clear violation of the law and department policy. We demand immediate accountability and reform to ensure these violations are not repeated in the future.



Convicted Felon [REDACTED] using [REDACTED] authorized chokehold



PICTURED [REDACTED] of internal affairs talking to convicted felon [REDACTED]

Public

Your email to [REDACTED] on June 25, 2024, regarding the attempt to file a police report with [REDACTED] was forwarded to the Internal Affairs Bureau for a response.

If you recall, [REDACTED] advised you and your attorney [REDACTED] that the criminal investigation involving you and [REDACTED] which occurred on February 4, 2022, had been completed, reviewed by the District Attorney's office, and closed.

You subsequently initiated misconduct complaints with the Office of the Director of Police Accountability (ODPA) against [REDACTED] and other members of the Berkeley Police Department on August 3, 2022, and March 31, 2023. Both complaints stemmed from the investigation conducted by the Berkeley Police Department regarding the physical altercation between you and [REDACTED] on February 4, 2022. Filing a formal complaint with the ODPA generated a separate parallel investigation conducted by the Internal Affairs Bureau. The Internal Affairs Bureau completed the investigation into the allegations of misconduct you made in your complaint, which also included an examination into the criminal investigation from the February 4, 2022 incident. On November 28, 2023, [REDACTED] sent you correspondence with the misconduct investigation findings.

The criminal investigation you mentioned [REDACTED] refused to file was documented and reviewed by the District Attorney's Office. The decision to file criminal charges is at the discretion of the District Attorney's office, not the Berkeley Police Department. The Berkeley Police Department concluded its investigation regarding the encounter between you and [REDACTED]. The Alameda County District Attorney's Office reviewed the case and filed no subsequent charges. I understand this might not be the outcome you hoped to receive, and I know this has been a complex and challenging situation for you. I want to take this opportunity to thank you for bringing your concerns to our attention and providing us the chance to look into this matter.

Sincerely,

[REDACTED]

[REDACTED] LYING ABOUT REPORTING [REDACTED] CHOKEHOLD TO DA

Jul 15, 2024, 3:13 PM ☆ ⌂ ↶

Good Afternoon [REDACTED]  
 In November 2022, I reviewed Berkeley Police Report # [REDACTED] wherein you were listed as a suspect in a misdemeanor battery case. I elected not to file criminal charges against you in the interest of justice. Our office received a phone call from you in December 2022 following an email sent by your civil attorney [REDACTED] reported to [REDACTED] mail in January 2023.

From: [REDACTED]  
 Sent: Tuesday, January 3, 2023 2:36 PM  
 To: [REDACTED]  
 Subject: RE: Request for Investigation and Criminal Charges [REDACTED] to [REDACTED] Re: 3/4/22 Battery Incident at YMCA (Berkeley)

Good Afternoon [REDACTED]  
 The District Attorney's Office does not conduct investigations as you have requested. Any statements or evidence concerning this incident should be provided directly to the Berkeley Police Department for follow-up investigation, if appropriate. Upon completion of their investigation, they may present all information to the District Attorney's Office for review and charging consideration.  
 Thank you.

I did not review anything additional in this case. I am no longer assigned to charging for Berkeley. Please contact our Wiley Manuel office if you have any additional inquiries.

Sincerely,  
 [REDACTED]

DA CONFIRMS POLICE REPORT ONLY TARGETED ME AND NEVER [REDACTED] IN USING CHOKEHOLD AS OF JULY 15 2024

Incident Number: [REDACTED] Page: 2 of 2

**CAD Narrative**

- 04/27/2021 : 14:16:50 [REDACTED] Narrative: drunken verbal, drunk subject calmed down and went to his room, no further assistance requested, BWC
- 04/27/2021 : 13:47:27 [REDACTED] Narrative: bwc
- 04/27/2021 : 13:46:58 [REDACTED] Narrative: [REDACTED] 5/30/60 bay393 pfn
- 04/27/2021 : 13:36:42 [REDACTED] Narrative: [REDACTED] detained / [REDACTED]
- 04/27/2021 : 13:35:39 [REDACTED] Narrative: employees say they're still fighting [REDACTED]
- 04/27/2021 : 13:35:25 [REDACTED] Narrative: on 3rd floor, employees still fighting [REDACTED]
- 04/27/2021 : 13:34:35 [REDACTED] Narrative: ambulance refused
- 04/27/2021 : 13:33:03 [REDACTED] Narrative: both under the influence of drugs also per rp
- 04/27/2021 : 13:32:33 [REDACTED] Narrative: resp is intoxicated
- 04/27/2021 : 13:32:27 [REDACTED] Narrative: no weapons seen
- 04/27/2021 : 13:32:22 [REDACTED] Narrative: long sleeve gry shirt, jeans,
- 04/27/2021 : 13:32:17 [REDACTED] Narrative: 501, thin build,
- 04/27/2021 : 13:32:08 [REDACTED] Narrative: resp: [REDACTED] hma, 60's,
- 04/27/2021 : 13:31:51 [REDACTED] Narrative: resp attacking rp's supervisor
- 04/27/2021 : 13:31:43 [REDACTED] Narrative: entrance on [REDACTED]

[REDACTED] INTIMIDATED [REDACTED] THEN THREW HIM TO THE GROUND AND CHOKED HIM FOR APPROX 5 MINUTES UNTIL POLICE ARRIVED. POLICE OFFICERS TOLD [REDACTED] TO GO BACK TO HIS APARTMENT AND NOT CAUSE FURTHER PROBLEMS. BERKELEY POLICE DESTROYED BODY CAM FOOTAGE AND YMCA DESTROYED VIDEO SURVEILLANCE FOOTAGE. BERKELEY POLICE NEVER REPORTED CHOKEHOLD

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**From:** [REDACTED]  
**Sent:** Wednesday, June 25, 2014 08:15 AM  
**To:** [REDACTED]  
**Subject:** Incident on Center Street

Hi, [REDACTED].

This morning someone from the Downtown Berkeley Association (the people in the green jackets and shirts) and someone in a brown uniform – likely private security – were trying to remove a homeless man from the alcove in front of the private parking garage on Center Street. I saw the uniformed person grabbing the homeless man by the neck and I'm certain he shouted at the homeless man, "I will choke you." I called BPD and reported it but I don't know whether someone was able to arrive in time to help. While I'm sure the homeless person was being difficult, the situation clearly required someone with experience in dealing with the mentally ill. I do not think that the two people I saw handling the situation were trained to do so. The incident was clearly distressing to everyone. Many people on Center Street were watching and disturbed by what they witnessed. Is there someone with Downtown Berkeley that you can contact to report this incident and find out who the person was in the brown uniform?

Thanks.

--

[REDACTED]

**Date :** 6/25/2014 10:20:29 AM

**From :** [REDACTED]

**To :** [REDACTED]

**Cc :** [REDACTED]om

**Subject :** Re: Incident on Center Street

[REDACTED]

Thanks for making me aware of this situation. I have spoken to [REDACTED], our Operation Manager (the man in the brown shirt) and there is quite a back story before [REDACTED] happened upon this situation. [REDACTED] is writing up explanation that we will get to you shortly. We appreciate additional feedback once you have been fully apprised of the situation.

Thanks, [REDACTED]

[REDACTED]

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**From:** [REDACTED]

**Date:** Wednesday, June 25, 2014 9:36 AM

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** RE: Incident on Center Street

Thanks [REDACTED] I'm back in the office now and just talked to [REDACTED] who said that the incident happened at about 7:15 and that several additional Ambassadors showed up but all appeared to be following the lead of the brown-uniformed individual [REDACTED] saw one ambassador take the pillow out from under the individual's head and throw it in the transport vehicle, etc. I stopped by Center Street garage and noted that security there wears dark blue, not brown, and the security guard confirmed this and said that they don't come on till 8. [REDACTED] if very willing to talk to someone about what happened.

[REDACTED]

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**From:** [REDACTED]

**Sent:** Wednesday, June 25, 2014 8:51 AM

**To:** [REDACTED]

**Subject:** Fw: Incident on Center Street

**RE: Incident on Center Street**

[Redacted]

**Sent:** Thursday, June 26, 2014 11:53 AM

**To:** [Redacted]

I would LOVE IT.

I have a lot of new people so the timing would be great.

Also, it will appease many people.

Wednesdays starting at 1:30PM are always best for us, but we will make it happen no matter what.

Just let me know! Thank You So Much.

[Redacted]

On June 26, 2014 at 11:45 AM [Redacted]

wrote:

Hey what do you think about us doing another training for your staff? [Redacted] and I can do a refresher for your staff about dealing with our homeless folks since I know you guys are being inundated and stressed with these new Albany Bulb folks. I can include the bike officers too. Let me know.

[Redacted]

**From:** [Redacted]

**Sent:** Thursday, June 26, 2014 9:03 AM

**To:** [Redacted]

**Subject:** Incident on Center Street

Just an FYI

----- Original Message -----

**From:** [Redacted]

**To:** [Redacted]

**Cc:** [Redacted]

**Date:** June 25, 2014 at 10:40 AM

**Subject:** Re: FW: Incident on Center Street

information redacted is protected from public disclosure by California Government Code 6254 (f), (k).

To All,

I am fully aware of the incident, because I was directly involved. I was the person in brown. I understand and appreciate [Redacted] concern regarding the incident. The reason that I was out there was due to this individual's aggressive behavior

[Redacted]

Item 10.b.

ODPA Memo Titled "Policy Review Status Updates"



## MEMORANDUM

**Date:** October 25, 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:** PAB Policy Review Status Update

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This memorandum provides the PAB with a status update on the pending policy reviews assigned to the ODPa.

### Background:

Section 125(3)(a)(1)<sup>1</sup> 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)<sup>2</sup> 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<sup>3</sup>, which were ratified by City Council on December 14, 2021.

### Policy Review Status:

The PAB has assigned eleven policy reviews to the ODPa. Since the last update on July 24, 2024<sup>4</sup>, the ODPa has completed four reviews, with six still in progress. Records requests are active for four of these ongoing reviews. For a full list of policy reviews and their statuses, see Attachment 1.

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<sup>1</sup> Berkeley City Charter Section 125(3)(a): [https://berkeley.municipal.codes/Charter/125\(3\)\(a\)](https://berkeley.municipal.codes/Charter/125(3)(a))

<sup>2</sup> Berkeley City Charter Section 125(17)(a): [https://berkeley.municipal.codes/Charter/125\(17\)\(a\)](https://berkeley.municipal.codes/Charter/125(17)(a))

<sup>3</sup> Standing Rules of the Police Accountability Board: [https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard\\_StandinRules.pdf](https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandinRules.pdf)

<sup>4</sup> July 24, 2024 ODPa Policy Review Update: [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2024-07-24%20PAB%20Reg%20Meeting%20Agenda%20Packet\\_Final\\_0.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2024-07-24%20PAB%20Reg%20Meeting%20Agenda%20Packet_Final_0.pdf)

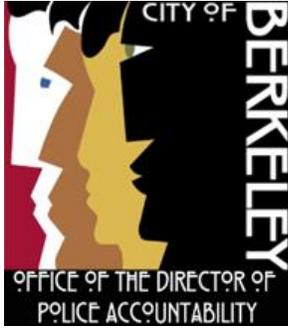
Policy Complaint Number	Projected Presentation Date	Staus	Summary
2023-PR-0001	9/11/2024	Completed	The policy review was initiated by a complainant after their personnel case had expired, requesting a review of BPD Policy 1010, particularly Section 1010.7.3, which addresses officers' obligations for 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	Completed	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	Completed	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-0007	11/13/2024	In Progress	The complainant reports ongoing disturbances, harassment, and restraining order violations by a neighbor's caretaker, raising concerns about enforcement by the Berkeley Police Department. This policy review will examine BPD's handling of interactions with elder adults and its practices regarding restraining orders, as the complainant indicates possible misunderstandings of order terms. Despite multiple encounters and existing orders, the complainant reports continued issues with enforcement.
2023-PR-0009	10/30/2024	In Progress*	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	Completed	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	In Progress**	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	In Progress**	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	In Progress**	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	In Progress**	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		On May 22, 2024, the PAB approved the ODPa's proposal to research AI-assisted police reports.
<b>Notes</b>			
* Policy Review was incorporated into the Use of Force Policy Review			
** Record subpoenas have been issued to the BPD, and we are awaiting their response as of 10/25/2024.			

Item 10.c.

Additional Material to Follow.

## Off Agenda Reports & Resources

**Legislative Updates Relevant to the PAB's Work**



## MEMORANDUM

**Date:** October 25, 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>**

There have been no updates to state legislative initiatives related to the PAB's work since the last PAB meeting.

### **Lexipol Policy Update**

There have been no updates to the BPD's Lexipol KMS system since the last PAB meeting.

### **City of Berkeley Council Meeting Update**

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

#### **[City Council Regular Meeting – October 15, 2024](#)**

- **[25.-Resolution: Opposition to Police Brutality and Use of Force on Nonviolent Protesters](#)** *(Reviewed by Public Safety Committee)*  
**From: Councilmember Harrison (Author)**

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

**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.

**Action:** Referred to the Public Safety Committee.

- **Item 26. -Community Safety Plans for a Safe and Resilient Berkeley**

**From: Councilmember Hahn (Author)**

**Recommendation:** Refer to the City Manager to create four strategic, single-subject Community Safety Plans to effectively reduce Gun Violence, Sexual Assault, Retail Theft, and Traffic Violence. Return Plans to the City Council for review and approval.

**Action:** Councilmember Tregub added as a co-sponsor. Referred to the Public Safety Committee.

### City Council Regular Meeting – October 29, 2024

- No items relevant to the PAB's work.

### City Council Special Meeting – October 29, 2024

- **Item 1. -Reimagining Public Safety Status Report**

**From: City Manager**

**Recommendation:**

1. Review and discuss the provided status report from the City Manager with the goal of demonstrating transparency and facilitating informed Council discussion towards the advancement of the Reimagining Public Safety initiative in Berkeley.
2. Provide comments on the "City of Berkeley Workload and Organizational Study of the Police Department" Citygate report, with the goal of facilitating a thorough and informed Council discussion on the report's findings and implications.

**Correspondences to the PAB**

**Murillo, Jose**

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**From:** Elana Auerbach [REDACTED]  
**Sent:** Friday, October 25, 2024 11:15 AM  
**To:** Office of the Director of Police Accountability; Office of the Director of Police Accountability; John Moore III; Kitty Calavita  
**Subject:** PAB's Response to Citygate Report: Public Statement before Tuesday's Meeting?

**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.

Good morning~

Thank you for all of your efforts to fulfill the PAB's mission of oversight of the BPD! I can only imagine how challenging it must be without much support from current city leadership.

I sent an email to the city manager, mayor and council yesterday asking that someone from the PAB be added to Tuesday's special meeting agenda at 3:30pm where the Citygate report will be presented.

Would the PAB be willing to make your feedback of the Citygate report publicly available *before* Tuesday's meeting in case the PAB is not given an opportunity to address the council formally at the meeting?

Thank you for considering this request!  
Elana

## Murillo, Jose

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**From:** Mary-Lee Kimber Smith [REDACTED]  
**Sent:** Thursday, October 24, 2024 2:42 PM  
**To:** Manager, C; Buddenhagen, Paul; Buddenhagen, Paul; Berkeley Mayor's Office; Tregub, Igor; Aguilar, Hansel; Office of the Director of Police Accountability; Arredondo, Carianna; All Council  
**Subject:** Reimagining Public Safety Meeting

**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.

Hi All,

I just learned there will be a meeting on Tuesday to review the recent Citygate report submitted in September and the status of the reimagining process.

WHY IS THIS MEETING BEING HELD IN THE MIDDLE OF A WORK DAY? 3:30 is not feasible for most. They will have to take time off of work to be there. This feels like you all are making it harder for residents to participate in this process.

WHY IS THE PAB NOT PRESENTING ON THE CITYGATE REPORT? Isn't this what PAB is supposed to do? And what ever happened to the report that PAB submitted LAST July. Has a decision been made about this report? Action being taken?

Honestly, these issues are things residents of Berkeley really care about yet you as the City make it difficult to access, hide it, ignore it, etc. That's not in the spirit of democracy or our City.

Please change the time to the evening for the meeting. Please have PAB present including about the status of their report.

Thanks,  
Mary-Lee

## Murillo, Jose

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**From:** Elana Auerbach [REDACTED]  
**Sent:** Thursday, October 24, 2024 2:25 PM  
**To:** Manager, C; Buddenhagen, Paul; Buddenhagen, Paul  
**Cc:** All Council; Berkeley Mayor's Office; Tregub, Igor; Aguilar, Hansel; Office of the Director of Police Accountability; Arredondo, Carianna  
**Subject:** 10/29 Reimagining Public Safety Meeting Questions ~ THANK YOU for your prompt reply

**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.

Greetings All~

Thank you for holding a meeting on Tuesday to review the recent Citygate report submitted in September and the status of the reimagining process.

How come there will not be a presentation from the Police Accountability Board about the Citygate report? This is precisely the kind of oversight that the vast majority of Berkeley residents voted for in 2020 when the PAB was established. Please amend the agenda to include the PAB's review and feedback of the Citygate report.

Also, the Police Accountability Board issued their report about the racist, anti homeless Berkeley police bike force texts that alleged arrest quotas ***last*** July. I understand this report was sent to the Public Safety Committee, which has only met ***one*** time in the past year.

- How come this report was sent to a committee that rarely meets?
- Is this an attempt to bury this report?
- Pretend we don't have an issue of racist and anti homeless behavior in our police department?

If not, please ensure that a council meeting is scheduled ASAP for the Police Accountability Board to present their findings on the textgate scandal. This is a public safety priority.

Thank you~  
Elana Auerbach  
District 4

## Reports of Interest

## Reports of Interest

**“Healthy Black Families and the Fight for a Thriving Black Berkeley” Published by Healthy Black Families, Inc. & Mesu Strategies:**

[https://static1.squarespace.com/static/6179a5a21df0c4182effd99a/t/670437093dbf934c5a199993/1728329487712/mesuLLC-HBF-E4BB-Revised\\_compressed.pdf](https://static1.squarespace.com/static/6179a5a21df0c4182effd99a/t/670437093dbf934c5a199993/1728329487712/mesuLLC-HBF-E4BB-Revised_compressed.pdf)

*“This is the story of the Berkeley Black community’s experience of decades of displacement and disinvestment, and how a small, grassroots community organization helped to advance the right to stay, right to return and right to thrive in South Berkeley.” (Page 1).*

**“Compounding Anti-Black Racial Disparities in Police Stops” Published by the Center for Policing Equity:** <https://policingequity.org/traffic-safety/88-white-paper-compounding-anti-black-racial-disparities-in-police-stops/file>

*“This white paper provides an overview of the various decisions police officers make in any encounter with a community member – including whom to stop and for what reason, whether to conduct a search, whether to arrest or cite drivers, and whether to use force – and illustrates how disparities at each step increase the risks of harm at subsequent decision points throughout the encounter. We focus on vehicle stops and use evidence from academic literature, a novel analysis of data from eight of the nine largest local police agencies in California between 2019 and 2022, and 20 of CPE’s JNAs analyzing data from various types and sizes of law enforcement agencies across the country. This paper also illustrates how racial disparities in traffic stops do not appear to support or be justified by any clear public safety needs” (Page 3).*

**Articles of Interest**

## Articles of Interest

**Man wounded in downtown Berkeley shooting (berkeleyscanner.com)**

<https://www.berkeleyscanner.com/2024/10/24/shootings/berkeley-police-investigate-shooting-downtown/>

**UC Berkeley reports shots fired at Shattuck Ave. and Henry Street (berkeleyside.org)**

<https://www.berkeleyside.org/2024/10/24/shots-fired-downtown-berkeley-oct-24>

**Berkeley High student pistol-whipped after school (berkeleyscanner.com)**

<https://www.berkeleyscanner.com/2024/10/17/crime/berkeley-high-student-pistol-whipping/>

**BPD police chase into Oakland: Car was stolen from Elmwood area (berkeleyside.org)**

<https://www.berkeleyside.org/2024/10/17/berkeley-oakland-police-pursuit-580>

**Berkeley officer, suspects, other driver hurt in pursuit into Oakland (berkeleyside.org)**

<https://www.berkeleyside.org/2024/10/16/police-pursuit-from-berkeley-to-oakland-ends-with-4-hospitalized-2-arrests>

**Berkeley police chase stolen car after Flock hit, driver arrested (berkeleyscanner.com)**

<https://www.berkeleyscanner.com/2024/10/17/traffic-safety/berkeley-police-chase-stolen-car-flock-hit-driver-arrested/>

**Chicago police's big bet on pricey surveillance cameras (chicagotribune.com)**

<https://www.chicagotribune.com/2024/09/29/chicago-police-cameras/>