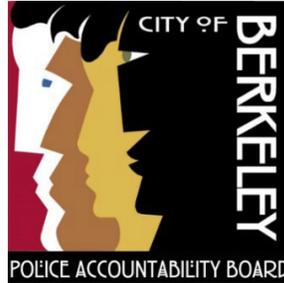


9.d.	Memorandum from Chair Cayetano and Director Aguilar titled “Compliance with Charter-Mandated Training Requirements”	74
Off Agenda Reports & Correspondences		
	Legislative Updates Relevant to the PAB’s Work	80
	Policy Review Status Updates	84

Item 2. February 19, 2025 PAB Regular Meeting Agenda



POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA
WEDNESDAY, FEBRUARY 19, 2025
6:30 P.M.

Board Members

Joshua Cayetano (Chair)
Kitty Calavita

Leah Wilson (Vice-Chair)
Juliet Leftwich

David Williams

MEETING LOCATION

Office of the Director of Police Accountability
1900 Addison Street, Floor 3
Berkeley, CA 94704

PUBLIC NOTICE

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/89174589069>. 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 Special Meeting of February 1, 2025
 - b. Minutes for the Regular Meeting of February 5, 2025

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

Announcements, updates, and other items:

- a. ODPa Policy Review Focus Groups
- b. Upcoming Community Visioning Session

- c. ODPa Request for Chief Investigator and Deputy Director Classifications

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

The Chair and Board Members report on their activities.

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

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

8. SUBCOMMITTEE REPORTS (10 MINUTES)

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

9. DISCUSSION AND ACTION ITEMS

- a. Discussion and action on the Policy Subcommittee's recommendations regarding BPD Policy 307 "Vehicle Pursuits" (Policy Review Subcommittee) – (20 Minutes)
- b. Discussion and action on new Policy Complaint 2025-PR-0001 in accordance with Section G. "Policy Complaints and Reviews" of the PAB's Standing Rules (ODPA) – (15 Minutes)
- c. Discussion and action on a resolution recognizing the following former Board Members for their service and contributions to the PAB (10 Minutes):
 - i. Alexander Mozes
 - ii. John "Chip" Moore
 - iii. Brent Blackaby
 - iv. Regina Harris
- d. Review of the PAB's training materials and ongoing education resources (Cayetano) – (10 Minutes)
- e. Discussion and action on the PAB's review of the BPD's Mutual Aid Agreements with other law enforcement agencies (Status Update) (ODPA) – (15 Minutes)
 - i. Development of Prioritization Method
 - ii. Identification of Agreements for Review

10. PUBLIC COMMENT (TBD)

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

11. CLOSED SESSION

CLOSED SESSION ITEMS

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

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

- | | | | |
|-------|--------------|--------|--------------|
| i. | 2023-CI-0016 | x. | 2025-CI-0002 |
| ii. | 2024-CI-0003 | xi. | 2025-CI-0003 |
| iii. | 2024-CI-0004 | xii. | 2025-CI-0004 |
| iv. | 2024-CI-0009 | xiii. | 2025-CI-0005 |
| v. | 2024-CI-0025 | xiv. | 2025-CI-0006 |
| vi. | 2024-CI-0031 | xv. | 2025-CI-0007 |
| vii. | 2024-CI-0045 | xvi. | 2025-CI-0008 |
| viii. | 2024-CI-0046 | xvii. | 2025-CI-0009 |
| ix. | 2025-CI-0001 | xviii. | 2025-CI-0010 |

END OF CLOSED SESSION

12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS (1 MINUTE)

13. ADJOURNMENT (1 MINUTE)

Off Agenda Reports

1. Policy, Practice, and Procedure Review Status Report
2. Legislative Updates Relevant to the PAB’s Work

Communications Disclaimer

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

Communication Access Information (A.R. 1.12)

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

SB 343 Disclaimer

Any writings or documents provided to a majority of the Board regarding any item on this agenda will be made available for public inspection at the Office of the Director of Police Accountability, located at 1900 Addison Street, Floor 3, Berkeley, CA 94704

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

1900 Addison Street, Floor 3, Berkeley, CA 94704

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

Website: <https://berkeleyca.gov/dpa>

Email: dpa@berkeleyca.gov

Item 4.a. Minutes for the Special Meeting of February 1, 2025



POLICE ACCOUNTABILITY BOARD
 SPECIAL MEETING MINUTES
SATURDAY, FEBRUARY 1, 2025
12:00 P.M. to 4:00 P.M.

Board Members

Joshua Cayetano (Chair)
 Kitty Calavita
 John Moore III

Leah Wilson (Vice-Chair)
 Juliet Leftwich
 Alexander Mozes

David Williams

MEETING LOCATION

Office of the Director of Police Accountability
 1900 Addison Street, Floor 3
 Berkeley, CA 94704

MINUTES

1. CALL TO ORDER AND ROLL CALL AT 12:20

Present: Board Member Joshua Cayetano (Chair)
 Board Member Leah Wilson (Vice Chair)
 Board Member Juliet Leftwich
 Board Member David Williams

Absent: Board Member Kitty Calavita
 Board Member John Moore
 Board Member Alexander Mozes

ODPA Staff: Hansel Aguilar, Director of Police Accountability
 Jose Murillo, Policy Analyst

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Leftwich/Wilson) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, and Wilson

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

3. PUBLIC COMMENT

0 Physically Present Speakers

0 Virtually Present Speakers

4. STRATEGIC PLANNING SESSION

The PAB evaluated its 2024 accomplishments, challenges, and lessons learned to enhance performance in 2025. The session prioritized planning mandated and discretionary activities, establishing goals, and defining strategies for the year ahead. No actions were taken.

5. PUBLIC COMMENT

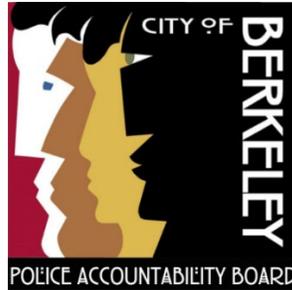
0 Physically Present Speakers

0 Virtually Present Speakers

6. ADJOURNMENT

Moved/Second (Leftwich /Williams). The meeting was adjourned at 3:08 pm by unanimous consent.

Item 4.b. Minutes for the Regular Meeting of February 5, 2025



POLICE ACCOUNTABILITY BOARD
REGULAR MEETING MINUTES
WEDNESDAY, FEBRUARY 5, 2025
6:30 P.M.

Board Members

Joshua Cayetano (Chair)
Kitty Calavita
John Moore III

Leah Wilson (Vice-Chair)
Juliet Leftwich
Alexander Mozes

David Williams

MEETING LOCATION

Office of the Director of Police Accountability
1900 Addison Street, Floor 3
Berkeley, CA 94704

AGENDA

1. CALL TO ORDER AND ROLL CALL (2 MINUTES)

Present: Board Member Joshua Cayetano (Chair)
Board Member Leah Wilson (Vice Chair)
Board Member Kitty Calavita
Board Member Juliet Leftwich
Board Member Alexander Mozes

Absent: Board Member John Moore¹
Board Member David Williams²

ODPA Staff: Hansel Aguilar, Director of Police Accountability
Syed Mehdi, Data Analyst

¹ Board Member Moore was marked as absent as he did not attend the meeting pending clarification on his status as a Board Member.

² Board Member Williams is on a leave of absence.

BPD Staff: Jose Murillo, Policy Analyst
Nyia Grissam, Administrative Analyst
Deputy Chief Tate
Lieutenant Rego

CAO Staff: DCA Mattes

CMO Staff: Tasha Tervalon, Interim Deputy City Manager
Peter Radu, Assistant to the City Manager
Mike St. Pierre, Animal Care Services Manager

2. APPROVAL OF AGENDA (2 MINUTES)

Motion to approve the agenda.

Moved/Second (Leftwich/Wilson) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, Mozes, and Wilson

Noes: None. Abstain: None. Absent: Moore, Williams

3. PUBLIC COMMENT (TBD)

0 Physically Present Speaker(s)

0 Virtually Present Speaker(s)

4. APPROVAL OF MINUTES (5 MINUTES)

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

Motion to approve the minutes for the regular meeting of January 22, 2024

Moved/Second (Leftwich/Wilson) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, Mozes, and Wilson

Noes: None. Abstain: None. Absent: Moore, Williams

5. ODPa STAFF REPORT (10 MINUTES)

Director Aguilar shares updates about the annual report, ODPa newsletter³, upcoming focus groups, trainings and conferences and the launching of the ODPa LinkedIn page⁴.

DCM Tervalon shares updates.

³ See ODPa Newsletter here:

<https://berkeleyca.gov/sites/default/files/documents/ODPA%20Newsletter%20Vol.%201.pdf>

⁴ See ODPa LinkedIn page here: <https://www.linkedin.com/company/office-of-the-director-of-police-accountability/>

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

Chair Cayetano reports on his meetings with various Councilmembers regarding nominations to serve on the PAB. He reports the upcoming nominations of three members. Board Member Mozes announces his upcoming resignation from the PAB.

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

Deputy Chief Tate shares cases of interest, community engagement/department events, staffing, training, and other items.

8. SUBCOMMITTEE REPORTS (10 MINUTES)

PAB Subcommittees report on their activities. The following actions were taken:

Motion to disband the Conflict of Interest Subcommittee.

Moved/Second (Leftwich/Wilson) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, Mozes, and Wilson

Noes: None. Abstain: None. Absent: Moore, Williams

Motion to combine the Budget & Metrics Subcommittee with the Outreach & Engagement Subcommittee.

Moved/Second (Wilson/Leftwich) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, Mozes, and Wilson

Noes: None. Abstain: None. Absent: Moore, Williams

9. NEW BUSINESS (1 HOUR)

- a. Discussion and action on the acquisition of fixed video surveillance cameras by the Berkeley Animal Care Services (BACS)⁵ per Berkeley Municipal Code Section 2.99.030(2) (ODPA) – (15 Minutes)

Motion to recommend approval of the surveillance technology acquisition report and use policy.

Moved/Second (Wilson/Cayetano) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, Mozes, and Wilson

Noes: None. Abstain: None. Absent: Moore, Williams

⁵ Presented by Peter Radu, Assistant to the City Manager, and Mike St. Pierre, Animal Care Services Manager

- b. Presentation of Policy Review 2023-PR-0003 (Wilson) – (15 Minutes)

Motion to accept the recommendations presented in Policy Review 2023-PR-0003.

Moved/Second (Calavita/Leftwich) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, Mozes, and Wilson

Noes: None. Abstain: None. Absent: Moore, Williams

- c. 2025 PAB Strategic Planning Session Recap and next steps⁶ - (10 Minutes)

Director Aguilar and Policy Analyst Murillo summarize the PAB's discussion at their 2025 Strategic Planning Session. No action taken.

- d. Discussion and Action on the PAB's proposed procedure for the BPD to submit all newly adopted and revised departmental policies to the PAB, per Section 125(17) of the Berkeley City Charter⁷ (Cayetano) – (15 Minutes)

Motion to accept proposed policy submission process and forward to the Chief.

Moved/Second (Calavita/Wilson) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, Mozes, and Wilson

Noes: None. Abstain: None. Absent: Moore, Williams

- e. Discussion and action on the PAB's review of the BPD's Mutual Aid Agreements⁸ with other law enforcement agencies (ODPA) – (15 Minutes)
- i. Development of Prioritization Method
 - ii. Identification of Agreements for Review

The PAB discussed their desired criteria for reviewing the mutual aid agreements and request additional information from staff regarding the drafting process for mutual aid agreements. No action taken.

⁶ The PAB's February 1, 2025 Special Meeting Materials can be found here:

https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-02-01%20PAB%20Special%20Meeting%20Packet_Final.pdf

⁷ Berkeley City Charter Section 125(17): [https://berkeley.municipal.codes/Charter/125\(17\)](https://berkeley.municipal.codes/Charter/125(17))

⁸ For a complete list of the BPD's MOUs, please visit:

<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:3a637aa7-7359-45a1-81ed-dee245c93f83>

10. PUBLIC COMMENT (TBD)

0 Physically Present Speaker(s)

0 Virtually Present Speaker(s)

11. CLOSED SESSION

CLOSED SESSION ITEMS

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

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

Motion to administratively close an informal complaint.

Moved/Second (Leftwich/Cayetano) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, Mozes, and Wilson

Noes: None. Abstain: None. Absent: Moore, Williams

END OF CLOSED SESSION

12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS (1 MINUTE)

Chair Cayetano announced closed session actions.

13. ADJOURNMENT (1 MINUTE)

Motion to adjourn.

Moved/Second (Leftwich /Wilson). The meeting was adjourned at 8:47pm by unanimous consent.

Item 5.b. Community Visioning Session Flyer

HONORING BLACK VOICES, ADVANCING JUSTICE: COMMUNITY VISIONING SESSION



BLACK COMMUNITIES & POLICE ACCOUNTABILITY: LESSONS FROM THE PAST, ACTION FOR THE FUTURE

Join the Office of the Director of Police Accountability (ODPA) for a community visioning session in honor of Black History Month.

We want to hear your thoughts on how to improve oversight and build trust with the Berkeley Police Department.

MODERATED BY



CARETON MAYERS,
EQUITY IN POLICING EXPERT
CEO FOR MAYERS STRATEGIC SOLUTIONS, LLC



REX BROWN
DEI OFFICER FOR THE CITY OF
BERKELEY

TO REGISTER:
CLICK THE LINK

<https://tinyurl.com/odpabhm>, OR

SCAN THE QR CODE, OR
EMAIL DPA@BERKELEY.GOV



DATE & TIME

Wednesday, February 26
6:00 PM- 8:30 PM

ZOOM



Link will be emailed to registered participants before the event starts

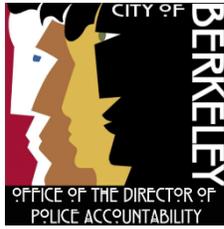
LOCATION

1900 Addison Street,
3rd Floor,
Berkeley, CA 94704

PROMOTING PUBLIC TRUST THROUGH INDEPENDENT, OBJECTIVE, CIVILIAN OVERSIGHT OF THE BERKELEY POLICE DEPARTMENT

✉ dpa@berkeleyca.gov ☎ 510-981-4950 🌐 <https://berkeleyca.gov/dpa>

Item 5.c. ODPa Request for approval of Chief Investigator and Deputy
Director of Police Accountability Classifications



MEMORANDUM

Date: February 11, 2025
To: City of Berkeley Personnel Board
CC: Paul Buddenhagen, City Manager
Monica Walker, Interim Human Resources Director & Board Secretary
Sharon Friedrichsen, Interim Deputy City Manager & Budget Manager
Tasha Tervalon, Interim Deputy City Manager
From: Hansel A. Aguilar, Director of Police Accountability (DPA)
Re: Request for Approval of Chief Investigator and Deputy Director of Police Accountability Classifications

Purpose of Request:

This memorandum requests the formal approval and adoption of two new classifications within the Office of the Director of Police Accountability (ODPA):

- Chief Investigator
- Deputy Director of Police Accountability

These classifications are necessary to support ODPA’s investigative and operational functions, ensuring compliance with Berkeley City Charter, Section 125. The creation of these roles will strengthen investigative oversight, operational leadership, and administrative capacity within the ODPA while enhancing civilian oversight of law enforcement.

Background:

The Berkeley City Charter, Section 125, establishes the Office of the Director of Police Accountability (ODPA) and mandates independent investigations of complaints against sworn members of the Berkeley Police Department (BPD). The Director of Police Accountability is tasked with conducting these investigations and providing findings to the Police Accountability Board (PAB). The Charter also authorizes the Director to hire

Chief Investigator and, where necessary, additional investigative staff, subject to budgetary approval. See Section (125(14)(i)) ¹

Currently, the ODPa lacks a tiered leadership structure to oversee its investigative and operational needs. The creation of these classifications will enhance supervisory oversight, improve workflow efficiency, and ensure that investigations are timely, independent, and thorough.

Justification for New Classifications

1. Chief Investigator

The Chief Investigator will serve as the lead investigative position within the ODPa, responsible for managing complex investigations, supervising investigators, and ensuring compliance with investigative best practices and legal standards. This role is essential for maintaining the integrity and independence of civilian oversight.

Key Responsibilities:

- Conducting and supervising investigations into police misconduct complaints
- Managing investigative staff and ensuring compliance with legal and procedural deadlines
- Working with the City Attorney's Office and/or independent legal counsel on investigative matters
- Overseeing the analysis of use-of-force incidents, disciplinary actions, and misconduct trends
- This classification aligns with best practices in civilian oversight and is consistent with investigative leadership roles in other independent police oversight agencies.

Funding Considerations for the Chief Investigator Position

- The Chief Investigator position can be partially supported through the current investigator vacancy, contingent upon approval of the classification and reclassification from Investigator to Chief Investigator.
- A budget readjustment will be necessary to fully support the role at the proposed classification level.

2. Deputy Director of Police Accountability

¹ [https://berkeley.municipal.codes/Charter/125\(14\)\(i\)](https://berkeley.municipal.codes/Charter/125(14)(i))

The Deputy Director of Police Accountability will serve as the second-in-command within the ODPa, ensuring continuity of leadership and strategic oversight. This role is needed to support investigative, administrative, and policy functions while allowing the Director to focus on high-level priorities such as policy reform, public engagement, and interdepartmental coordination.

Key Responsibilities:

- Overseeing investigative operations and ensuring compliance with procedural justice standards
- Supervising and mentoring investigative, policy, and administrative personnel
- Acting as Director in their absence, ensuring continuity in oversight responsibilities
- Conducting legal and policy research, working with City Attorney’s Office and/or independent counsel
- Enhancing community engagement and transparency in police accountability efforts
- The Deputy Director will provide critical operational and strategic support, strengthening the ODPa’s ability to conduct rigorous oversight of police practices while maintaining independence.

Funding Considerations for the Deputy Director Position

- There is no current existing ODPa funding to fully support the Deputy Director of Police Accountability position.
- Budgetary approval from Council will be required to fund this classification before recruitment can take place.

Conclusion:

The addition of the Chief Investigator and Deputy Director of Police Accountability roles is critical for strengthening the ODPa’s investigative capacity, oversight functions, and operational leadership. These classifications align with the City Charter’s mandate for independent police oversight and will enhance the effectiveness of the ODPa in fulfilling its responsibilities.

While the Chief Investigator position can be partially funded through an existing investigator vacancy with a budget readjustment, the Deputy Director position lacks existing funding and will require additional budgetary approval before implementation.

I respectfully request the Personnel Board's approval of these classifications, with the understanding that funding adjustments may be required before full implementation.

RESOURCES:

- Proposed Chief Investigator Classification
- Proposed Deputy Director of Police Accountability Classification
- Berkeley City Charter, Section 125

CURRENT ODPA CITY OF BERKELEY CLASSIFICATIONS:

Director of Police Accountability (Department specific)- 1 FTE

<https://www.governmentjobs.com/careers/berkeley/classspecs/newprint/1397796>

Police Accountability Investigator (Department specific)- 2 FTE (one vacancy)

<https://www.governmentjobs.com/careers/berkeley/classspecs/newprint/1486447>

Associate Management Analyst- Represented (Citywide)- 3 FTE (one vacancy)

<https://www.governmentjobs.com/careers/berkeley/classspecs/newprint/105340>

Communications Specialist (Citywide)- Not currently funded

<https://www.governmentjobs.com/careers/berkeley/classspecs/newprint/1436486>

Proposed Chief Investigator Classification

City of Berkeley – Class Specification Bulletin

Chief Investigator, Office of the Director of Police Accountability

CLASS CODE: [To Be Assigned]

SALARY: [To Be Determined]

ESTABLISHED DATE: [Date]

REVISION DATE: [Date]

DEFINITION

Under minimal direction of the Director of Police Accountability (DPA), the Chief Investigator plans, supervises, and conducts investigations into complaints of alleged police misconduct and reviews departmental policies and practices. This position provides investigative leadership within the Office of the Director of Police Accountability (ODPA), ensuring the effective and timely completion of investigations, and serves as the primary investigator for high-profile or complex cases. The Chief Investigator ensures investigations are conducted in an impartial, thorough, and professional manner, in compliance with all applicable laws, regulations, and City policies.

CLASS CHARACTERISTICS

This is a senior-level, non-sworn investigative classification within the ODPA. The Chief Investigator is responsible for overseeing the daily investigative functions of the office, supervising investigative staff, and conducting high-level, sensitive, or complex investigations. This classification is distinguished from the Police Accountability Investigator by its supervisory responsibilities, broader investigative oversight, and policy development functions. It is further distinguished from the Director of Police Accountability, who has broader administrative and policy-setting responsibilities and provides overall leadership for the office.

EXAMPLES OF DUTIES

The following list of duties is intended to describe the general nature of the work performed and is not all-inclusive.

1. Supervisory and Investigative Leadership
 - Plans, assigns, and supervises the work of investigative staff; ensures investigations meet professional and legal standards.
 - Provides training, guidance, and mentorship to investigative personnel on investigative techniques, legal principles, and procedural requirements.
 - Oversees and participates in the investigation of complaints against sworn members of the Berkeley Police Department, ensuring fair, objective, and timely case resolution.
2. Case Management and Investigative Oversight
 - Reviews complaints received by the ODPA, determines investigative approach, and assigns cases to investigative staff.

- Conducts complex and high-profile investigations, including reviewing evidence, interviewing witnesses and police personnel, and analyzing police reports, body-worn camera footage, and other relevant materials.
 - Ensures timely completion of investigative reports and adherence to deadlines as established by the City Charter and other applicable regulations.
3. Legal and Policy Analysis
- Conducts legal and policy research related to police misconduct investigations, civilian oversight best practices, and procedural justice principles.
 - Works with the City Attorney's Office and/or independent legal counsel on legal matters related to investigations, policy development, and procedural issues.
 - Recommends investigative protocols, policy changes, and best practices to improve accountability and transparency.
 - Assists in the review and development of policies regarding complaint handling and investigative procedures.
4. Collaboration and Stakeholder Engagement
- Works closely with the Police Accountability Board (PAB) to provide investigative updates, policy recommendations, and findings from completed investigations.
 - Coordinates with the City Attorney's Office on legal matters related to investigations.
 - Maintains relationships with community organizations, complainants, and legal representatives to ensure transparency in the investigative process.
 - Testifies before the PAB, City Council, or in administrative proceedings as required.
5. Data Analysis and Reporting
- Analyzes data trends in police misconduct complaints and use of force incidents; prepares reports and presentations for the PAB and Director of Police Accountability.
 - Assists in preparing the ODPA's annual report and other investigative summaries for public release.
6. Other Duties
- Ensures compliance with all applicable federal, state, and local laws, including the Public Safety Officers' Procedural Bill of Rights (POBRA).
 - Develops training programs for investigators and ensures ongoing professional development in investigative methodologies and legal updates.
 - Performs related duties as assigned.

KNOWLEDGE AND ABILITIES

Knowledge of:

- Principles, practices, and procedures of civilian oversight of law enforcement.
- Best practices in police accountability investigations, including fact-finding and evidentiary analysis.
- Local, state, and federal laws governing police practices, misconduct investigations, and due process, including Government Code § 3300 et seq. (POBRA).
- Investigative techniques, including interviewing, report writing, and evidence analysis.
- Rules of evidence and standards of proof applicable to administrative, criminal, and civil investigations.
- Police department policies, procedures, and law enforcement practices, including use of force, search and seizure, and disciplinary procedures.
- Principles and practices of supervision, training, and performance evaluation.
- Public records laws and confidentiality considerations in police oversight investigations.

Ability to:

- Supervise, train, and evaluate investigative staff.
- Conduct fair, objective, and thorough investigations of police misconduct complaints.
- Analyze complex legal and policy issues and develop well-supported recommendations.
- Conduct legal and policy research and work collaboratively with legal counsel on procedural and investigatory matters.
- Prepare clear, concise, and detailed investigative reports, policy recommendations, and presentations.
- Work independently while maintaining objectivity and neutrality in investigations.
- Communicate effectively, both orally and in writing, with diverse stakeholders, including complainants, police personnel, attorneys, elected officials, and community members.
- Maintain confidentiality of sensitive investigations and records.
- Exercise sound judgment and discretion in complex and politically sensitive situations.
- Utilize technology and data management systems to track investigations and analyze trends in police misconduct complaints.

MINIMUM QUALIFICATIONS

A typical way of obtaining the knowledge and skills outlined above is:

Education:

- Equivalent to a Bachelor's degree from an accredited college or university with major coursework in law, criminal justice, public administration, sociology, or a related field.
- A Juris Doctor (JD) or Master's degree in a related field is desirable.

Experience:

- Five (5) years of progressively responsible experience in civilian oversight, police misconduct investigations, administrative investigations, legal analysis, or a related field.
- At least two (2) years must include supervisory or lead experience in investigative or legal settings.
- Experience conducting investigations into police conduct, civil rights violations, or governmental accountability issues is highly desirable.
- Familiarity with the National Association for Civilian Oversight of Law Enforcement (NACOLE) and its principles, ethics, and best practices in civilian oversight is highly desirable.

SPECIAL REQUIREMENTS

- Must be able to travel to various locations within and outside the City of Berkeley to conduct investigations and attend meetings.
- When driving on City business, the incumbent must maintain a valid California driver's license and a satisfactory driving record.
- Must be available to conduct off-hours interviews and attend evening or weekend meetings as required.
- This classification is excluded from the competitive service and is employed as an at-will employee.

Proposed Deputy Director Classification

City of Berkeley – Class Specification Bulletin

Deputy Director of Police Accountability

CLASS CODE: [To Be Assigned]

SALARY: [To Be Determined]

ESTABLISHED DATE: [Date]

REVISION DATE: [Date]

DEFINITION

Under minimal direction of the Director of Police Accountability (DPA), the Deputy Director of Police Accountability assists in the planning, organization, and management of the Office of the Director of Police Accountability (ODPA). The Deputy Director is responsible for overseeing investigative operations, policy review, and administrative functions to ensure effective civilian oversight of the Berkeley Police Department (BPD). This position serves as the second-in-command within the ODPA, exercising independent judgment in managing daily operations, supervising staff, and implementing strategic initiatives. The Deputy Director acts as the Director in their absence.

CLASS CHARACTERISTICS

This is a senior-level management classification within the ODPA. The Deputy Director is responsible for overseeing investigative operations, supervising staff, implementing policies, and supporting the Director of Police Accountability in strategic planning and high-level decision-making. The position is distinguished from the Chief Investigator, which primarily focuses on investigative oversight, by its broader administrative responsibilities, including staff management, policy development, and direct engagement with the Police Accountability Board (PAB) and City leadership.

EXAMPLES OF DUTIES

The following list of duties is intended to describe the general nature of the work performed and is not all-inclusive.

1. Leadership and Oversight

- Assists the Director of Police Accountability in the overall administration, planning, and direction of the ODPA.
- Acts as Director in their absence, assuming full authority over ODPA operations and decision-making.
- Provides direct supervision and guidance to investigative, policy, and administrative staff, ensuring effective operations.
- Ensures compliance with ODPA objectives, civilian oversight best practices, and City policies.

2. Investigative and Policy Oversight

- Oversees and reviews investigations conducted by ODPA staff, ensuring thoroughness, fairness, and adherence to legal standards.

- Evaluates police policies and procedures; drafts recommendations for policy reforms based on oversight findings, national best practices, and community concerns.
- Ensures timely completion of investigations and reports, in accordance with legal and procedural deadlines.
- Monitors and assesses trends in police misconduct complaints, disciplinary actions, and use of force incidents.

3. Legal and Policy Research

- Conducts legal and policy research to support investigative findings and recommendations.
- Works with the City Attorney's Office and/or independent legal counsel on legal matters related to investigations and policy development.
- Reviews relevant federal, state, and local laws, including the Public Safety Officers' Procedural Bill of Rights Act (POBRA), and advises on legal compliance.
- Assists in drafting and implementing regulations and policies governing ODPa operations.

4. Collaboration and Stakeholder Engagement

- Represents the ODPa in meetings with the Police Accountability Board (PAB), City Council, City administration, community organizations, and other stakeholders.
- Develops and maintains relationships with community members, complainants, legal representatives, and law enforcement agencies to foster transparency and accountability.
- Prepares and delivers presentations on police oversight, investigative findings, and policy recommendations to various stakeholders.
- Serves as a liaison between the ODPa, Berkeley Police Department (BPD), and other City agencies.

5. Administrative and Strategic Planning

- Assists in developing and implementing strategic initiatives to enhance the effectiveness of civilian oversight.
- Participates in the formulation of the ODPa's budget, including staffing, technology, and operational needs.
- Assists in the hiring, training, and performance evaluation of ODPa personnel.
- Oversees data collection, reporting, and analysis related to police oversight and accountability metrics.

6. Other Duties

- Ensures compliance with all applicable federal, state, and local laws regarding police oversight and investigations.
- Supports the preparation of the ODPa's annual report and other reports summarizing investigative outcomes, policy recommendations, and trends in police accountability.
- Performs related duties as assigned.

KNOWLEDGE AND ABILITIES

Knowledge of:

- Principles and practices of civilian oversight of law enforcement.
- Investigative methodologies, including fact-finding, evidentiary analysis, and interviewing techniques.
- Federal, state, and local laws governing police practices, misconduct investigations, and due process, including Government Code § 3300 et seq. (POBRA).
- Best practices in police accountability, disciplinary processes, and complaint investigations.
- Principles and practices of public administration, budget preparation, and personnel management.
- Data analysis and performance evaluation methodologies for civilian oversight agencies.
- Rules of evidence and standards of proof applicable to administrative, criminal, and civil investigations.
- Principles and practices of policy analysis and reform within law enforcement agencies.
- Public records laws and confidentiality considerations in police oversight investigations.

Ability to:

- Manage and oversee the daily operations of the ODPa with minimal direction.
- Supervise, train, and evaluate investigative, policy, and administrative staff.
- Conduct fair, objective, and thorough investigations of police misconduct complaints.
- Analyze complex legal and policy issues and develop well-supported recommendations.
- Prepare clear, concise, and comprehensive investigative reports, policy recommendations, and presentations.
- Work independently while maintaining objectivity and neutrality in investigations.
- Communicate effectively, both orally and in writing, with diverse stakeholders, including complainants, police personnel, attorneys, elected officials, and community members.
- Maintain confidentiality of sensitive investigations and records.
- Exercise sound judgment and discretion in complex and politically sensitive situations.

- Utilize technology and data management systems to track investigations and analyze trends in police misconduct complaints.

MINIMUM QUALIFICATIONS

A typical way of obtaining the knowledge and skills outlined above is:

Education:

- Equivalent to a Bachelor's degree from an accredited college or university with major coursework in law, criminal justice, public administration, sociology, or a related field.
- A Juris Doctor (JD) or Master's degree in a related field is desirable.

Experience:

- Seven (7) years of progressively responsible experience in civilian oversight, police misconduct investigations, administrative investigations, legal analysis, or a related field.
- At least three (3) years must include supervisory or management experience in investigative, legal, or policy settings.
- Experience conducting investigations into police conduct, civil rights violations, or governmental accountability issues is highly desirable.
- Familiarity with the National Association for Civilian Oversight of Law Enforcement (NACOLE) and its principles, ethics, and best practices in civilian oversight is highly desirable.

SPECIAL REQUIREMENTS

- Must be able to travel to various locations within and outside the City of Berkeley to conduct investigations and attend meetings.
- When driving on City business, the incumbent must maintain a valid California driver's license and a satisfactory driving record.
- Must be available to conduct off-hours interviews and attend evening or weekend meetings as required.
- Proficiency in a foreign language commonly spoken in Berkeley is highly desirable.
- This classification is excluded from the competitive service and is employed as an at-will employee.

Berkeley City Charter, Section 125

The complete charter section can
be found here:

[https://berkeley.municipal.codes/
Charter/125](https://berkeley.municipal.codes/Charter/125)

Item 8. List of Current PAB Subcommittees



SUBCOMMITTEES LIST

Subcommittee	Board Members	Chair	BPD Reps
<p>Regulations Formed 7-7-21 Renewed 6-7-2023</p>	<p>Calavita Leftwich</p> <p><u>Public members:</u> Kitt Saginor</p>	N/A	Lt. Dan Montgomery
<p>Fair & Impartial Policing Implementation Formed 8-4-21 Renewed 6-7-2023</p>	<p>Calavita Wilson</p> <p><u>Public members:</u> George Lippman</p>	Calavita	Sgt. Peter Lee
<p>Surveillance Technology Policy Formed 6-7-2023</p>	<p>Calavita [Vacant]¹</p>	N/A	N/A
<p>Policy and Practices relating to the Downtown Task Force and Bike Unit Allegations Formed 11-15-22</p>	<p>Calavita [Vacant]²</p>	Calavita	N/A
<p>Policy Reviews Formed 11-08-2023 Scope Expanded 12-11-2024 to include BWC Policy Review</p>	<p>Leftwich Cayetano</p> <p><u>Public members:</u> Kitt Saginor</p>	Leftwich	Deputy Chief Tate Sgt. Rafferty
<p>Metrics & Operations Formed 02-05-2025 after the Budget & Metrics and Operations & Processes Subcommittees were consolidated into one</p>	<p>Wilson Cayetano</p>	N/A	N/A

¹ Board Member Moore was previously assigned but is no longer on the Board

Outreach & Engagement Formed 11-08-2023 Scope Expanded 03-02-2024 Formally "Commendations"	[Vacant] ³ [Vacant] ⁴	N/A	N/A
Berkeley Police Department Policies 1010 and 1034 Review Formed 9-25-2024	Williams [Vacant] ⁵	TBD	TBD

LIAISON LIST⁶

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

POLICY COMPLAINTS ASSIGNED TO INDIVIDUAL BOARD MEMBERS⁷

Policy Review Number	Assigned Board Member
2023-PR-0006	Unassigned ⁸
2024-PR-0003	Unassigned ⁹

² Board Member Moore was previously assigned but is no longer on the Board
³ Board Member Moore was previously assigned but is no longer on the Board
⁴ Board Member Mozes was previously assigned but is no longer on the Board
⁵ Board Member Moore was previously assigned but is no longer on the Board
⁶ Liaison list does not include topics that were originally assigned to a Board Member but later assigned to a subcommittee.
⁷ This list does not include policy complaints that were originally assigned to an individual Board Member but later assigned to a subcommittee.
⁸ Board Member Moore was previously assigned but is no longer on the Board
⁹ Board Member Moore was previously assigned but is no longer on the Board

Item 9.a. Materials pertaining to the Policy Subcommittee's recommendations on BPD Policy 307, "Vehicle Pursuits."



MEMORANDUM

Date: February 14, 2025
To: Honorable Members of the Police Accountability Board (PAB)
From: PAB Policy Review Subcommittee
Re: BPD Policy 307 “Vehicle Pursuits”

The Policy Subcommittee (the “Subcommittee”) requests that the Police Accountability Board (“the Board”) formally ask the Berkeley City Council and the City Manager to consider our recommendations for Berkeley Police Department (“BPD”) Policy 307.8.2, Vehicle Pursuits, Authorized Pursuit Intervention Techniques. In particular, the Subcommittee recommends that Policy 307.8.2 only authorize forcible pursuit intervention techniques, like ramming and PIT maneuvers, when necessary to prevent the imminent threat of death or serious bodily injury. The attached memo—which the Subcommittee discussed with BPD—fully explains the Subcommittee’s recommendation.

The Subcommittee does not make the recommendation lightly or hastily. Over the course of nine months, the Subcommittee has carefully analyzed the Vehicle Pursuit Policy with BPD representatives. Our larger group reached consensus on virtually every provision except 307.8.2. The Subcommittee consulted with pursuit policy experts, extensively researched other jurisdictions’ pursuit policies, and analyzed as much information about BPD’s own history of use of forcible pursuit intervention techniques as it could. Each data point suggested to the Subcommittee that forcible pursuit intervention techniques are too dangerous and unpredictable within a densely-populated city like Berkeley to be broadly authorized, and that Policy 307.8.2. too broadly authorized them.

BPD maintains that the policy is not broad because it emphasizes that forcible pursuit intervention techniques should only be used in “extreme circumstances.” As discussed in the memo, the language of “extreme circumstances” in the policy is advisory, not binding. Insofar as it is binding, the policy outlines that an extreme circumstance exists whenever the benefits of the technique outweigh the risks of the technique—a difficult calculation made in retrospect and an impossible calculation made in real-time. The Subcommittee believes that the only circumstance extreme enough to warrant the use of a potentially deadly maneuver is when reasonably necessary to prevent the imminent threat of death or serious bodily injury.

BPD also suggests that officers would be without an important law enforcement tool. The Subcommittee disagrees for a few reasons. First, the Subcommittee is not recommending a ban; in fact, the Subcommittee considered a ban and proposed this standard (which

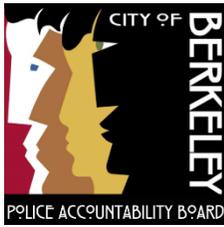
BPD initially accepted) as a workable compromise after listening to BPD concerns. Second, officers are still authorized to use tire deflation devices and the vehicle containment technique, which pose lesser dangers. Third, BPD has not used the PIT maneuver or another forcible pursuit intervention technique in at least the last 15 years, if not the last 25 years. Given that San Francisco successfully applies the same standard that the Subcommittee recommends, it seems unlikely that adopting it would render BPD officers unprepared to meet the public safety challenges that they face every day.

The Subcommittee greatly appreciates BPD for collaboratively engaging in the policymaking process. However, the policymaking process outlined in the Charter expects and asks the Board to elevate its recommendations to the City Manager and City Council once apparent that a disagreement exists. The Subcommittee asks the Board to do so today.

Attachments:

1. PAB Subcommittee Memorandum to BPD Titled "Revising Policy 307.8.2 Vehicle Pursuits, Authorized Pursuit Intervention Techniques"
2. Berkeley Police Department Policy 307.8.2 "Authorized Pursuit Intervention Techniques"
3. PAB Policy Review Subcommittee Redline Version of Berkeley Police Department Policy 307.8.2 "Authorized Pursuit Intervention Techniques"
4. Demonstration of Pursuit Intervention Techniques "PIT"
5. Source Index

**PAB Subcommittee Memorandum to BPD Titled “Revising
Policy 307.8.2 Vehicle Pursuits, Authorized Pursuit
Intervention Techniques”**



Memorandum

Date: February 7, 2025
To: Berkeley Police Department
From: Policy Subcommittee, Police Accountability Board
Re: Revising Policy 307.8.2 Vehicle Pursuits, Authorized Pursuit Intervention Techniques

The Police Accountability Board Policy Subcommittee (“Subcommittee”) formally recommends that the Berkeley Police Department (“BPD”) reconsider Policy 307.8.2 Vehicle Pursuits, Authorized Pursuit Intervention Techniques, which governs when an officer may intentionally use an emergency vehicle to strike, ram, or otherwise make forcible contact with a fleeing vehicle (“forcible pursuit intervention techniques”). In light of the substantial public safety risks (and legal liability) that forcible pursuit intervention techniques pose, the Subcommittee recommends that BPD only authorize one when deadly force is otherwise authorized, i.e. “when it is objectively reasonable, based on the totality of the circumstances, that such force is objectively necessary to:

- (1) defend against an imminent threat of death or serious bodily injury to the officer or another *or*
- (2) apprehend a suspected fleeing person for any felony that threatened or resulted in death or serious bodily injury, provided that it is objectively reasonable that the person will cause imminent death or serious bodily injury to another unless immediately apprehended.”¹

Forcible pursuit intervention techniques are inherently dangerous—even deadly—and should only be authorized when deadly force is justified. One maneuver, the precision immobilization technique or “PIT” maneuver, involves a pursuing officer making forcible contact with the rear quarter panel of a fleeing suspect’s vehicle, causing the vehicle to spin out, roll over, or crash.² In a densely-populated city like Berkeley, executing a PIT

¹ BPD Policy 300.4 “Use of Deadly Force”:

https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=67

² Jurisdictions will either call the PIT maneuver a “precision immobilization technique” or a “pursuit intervention technique.” The names cover the same tactic. To avoid confusion, the Subcommittee refers to PIT maneuvers as “precision immobilization techniques” and the broader category of methods to terminate a pursuit, like ramming, blocking, and the precision immobilization technique, as “pursuit intervention techniques.”

maneuver is highly likely to injure pedestrian bystanders, the people in the fleeing vehicle, or even the officers themselves. A recent investigative report by the *San Francisco Chronicle* revealed that these forcible pursuit intervention techniques have killed at least 87 people since 2017—nearly half of those were either bystanders or passengers.³

Recognizing the danger of forcible pursuit intervention techniques, the Police Executive Research Forum (“PERF”), in collaboration with the DOJ’s Community Oriented Policing Services and the National Highway Traffic Safety Administration, issued a report in 2023, stating that “agency policy should prohibit roadblocks, boxing-in, channelization, ramming, and any other tactic that involves a law enforcement vehicle to stop a fleeing suspect vehicle.”⁴ The report explained that “[t]he potential for serious injury is so high that few, if any, situations would justify this risk.”⁵ With respect to PIT maneuvers, in particular, the PERF expert committee did not reach consensus on a complete ban, but emphasized that there is limited empirical evidence supporting the argument that PIT maneuvers are safe, even if executed at low speeds.⁶

The empirical evidence on forcible pursuit intervention techniques that exists suggests that they are not effective enough to warrant the risks that they create.⁷ One study found that PITs operated on a vehicle equipped with electronic stability control technology (like many vehicles in California) are not predictable, even at low speeds, which reduces their effectiveness.⁸ Accordingly, many jurisdictions completely prohibit their officers from intentionally using their vehicle to strike another vehicle. In response to the study cited above, the Detroit Police Department strictly prohibited its officers from performing a PIT maneuver, ramming, or blocking a fleeing vehicle.⁹ Similarly, the Chicago Police Department bans the following methods of terminating a pursuit: (1) boxing-in, (2) forcing

³ Gollan, Jennifer, and Susie Neilson. “Police Are Deliberately Ramming Suspects’ Cars. Here’s How Many People Have Died - Including Bystanders.” *The San Francisco Chronicle*, *The San Francisco Chronicle*, 27 Sept. 2024, www.sfchronicle.com/projects/2024/police-pursuits-pit/.

⁴ Vehicular Pursuits: A Guide for Law Enforcement Executives ..., US DOJ Community Oriented Policing Services & Police Executive Research Forum, portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-r1134-pub.pdf. Accessed 13 Feb. 2025., at 80.

⁵ Vehicular Pursuits: A Guide for Law Enforcement Executives ..., US DOJ Community Oriented Policing Services & Police Executive Research Forum, portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-r1134-pub.pdf. Accessed 13 Feb. 2025., at 80.

⁶ Vehicular Pursuits: A Guide for Law Enforcement Executives ..., US DOJ Community Oriented Policing Services & Police Executive Research Forum, portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-r1134-pub.pdf. Accessed 13 Feb. 2025., at 74.

⁷ Fairfax County Analytical Summary Report, Fairfax County Virginia, www.fairfaxcounty.gov/police/sites/police/files/assets/arcgis/fcpod_site/2022%20pursuit%20analysis.pdf. Accessed 13 Feb. 2025.

⁸ Vehicular Pursuits: A Guide for Law Enforcement Executives ..., US DOJ Community Oriented Policing Services & Police Executive Research Forum, portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-r1134-pub.pdf. Accessed 13 Feb. 2025., at 74. Note: In Fairfax County, Virginia, one of the few jurisdictions to publish statistics for PIT maneuvers, PIT maneuvers were only effective 65% of the time and were ineffective 35% of the time over the span of five years. The 65% effectiveness rate is misleading, because it includes a PIT that resulted in injuries, so long as it terminated the pursuit.

⁹ Detroit Police Department Policy 303.2 “Vehicle Pursuits”: <https://detroitmi.gov/sites/detroitmi.localhost/files/2018-03/VEHICULAR%20PURSUITS.pdf>

collision, (3) overtaking, (4) ramming, and (5) roadblocks.¹⁰ The Milwaukee Police Department prohibits “deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, or any other obstacle, boxing in, heading off, ramming, driving alongside the pursued vehicle while it is in motion, or the use of roadblocks.”¹¹

The Subcommittee initially proposed to BPD a policy a ban similar to Chicago or Milwaukee’s, given the unique danger that these forcible pursuit intervention techniques pose by virtue of their unpredictability and Berkeley’s unique geography. However, during a series of meetings, BPD provided examples of “extreme circumstances” in which one of these techniques might be justified, despite the risks. In response, the Subcommittee proposed that BPD policy only authorize PIT maneuvers and other forcible pursuit intervention techniques when deadly force is authorized. In other words, the Subcommittee suggested that the only situation extreme enough to justify the use of a forcible pursuit intervention technique is when objectively necessary to prevent the imminent threat of death or serious bodily injury. Once voiced, the compromise seemed common sense, given that BPD policy authorizes its officers to use deadly force in those extreme circumstances in other contexts.

The Subcommittee’s proposed compromise has proven to be effective in other jurisdictions. For example, San Francisco Police Department prohibits its officers from deliberately striking a fleeing vehicle unless there is a “substantial risk” that the driver of the vehicle will cause “imminent death or serious bodily injury” if not immediately stopped.¹² Similarly, the Baltimore Police Department only authorizes its officers to use an emergency vehicle to deliberately strike another vehicle when the fleeing vehicle “pose[s] an imminent threat of death or serious bodily injury to members or others; *and* insufficient time exists to resort to other alternatives.”¹³ In Berkeley, officers have already been trained to identify *when* this standard applies in other contexts and, indeed, do so as required by California law.¹⁴

Instead, the new BPD Policy 307.8.2 allows forcible pursuit intervention techniques “when the need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.” The preamble to Policy 307.8.2 advises that officers should only execute these dangerous maneuvers in “extreme circumstances,” but the policy itself allows

¹⁰ Chicago Police Department General Order G03-03-01 “Emergency Vehicle Operations – Pursuits:” <https://www.lb7.uscourts.gov/documents/17c53453.pdf>

¹¹ Milwaukee Police Department General order 2024-10 “Vehicle Pursuits and Emergency Vehicle Operations:” <https://city.milwaukee.gov/ImageLibrary/Groups/mpdAuthors/SOP/660-VEHICLEPURSUITSANDEMERGENCYVEHICLEOPERATIONS1.pdf>

¹² [San Francisco Police Department General Order 5.05 “Emergency Response and Pursuit Driving:” https://www.sanfranciscopolice.org/sites/default/files/2018-11/DGO5.05%20Response%20and%20Pursuit%20Driving.pdf](https://www.sanfranciscopolice.org/sites/default/files/2018-11/DGO5.05%20Response%20and%20Pursuit%20Driving.pdf), Gollan, Jennifer, and Susie Neilson. “Police Are Deliberately Ramming Suspects’ Cars. Here’s How Many People Have Died - Including Bystanders.” The San Francisco Chronicle, The San Francisco Chronicle, 27 Sept. 2024, www.sfchronicle.com/projects/2024/police-pursuits-pit/.

¹³ Baltimore Police Department Policy 1503 “Emergency Vehicle Operation and Pursuit:” <https://www.baltimorepolice.org/transparency/bpd-policies/emergency-vehicle-operation-and-pursuit>

¹⁴ California Code, Penal Code - PEN § 835a: <https://codes.findlaw.com/ca/penal-code/pen-sect-835a/>

officers to do so whenever the apparent benefits outweigh the apparent risks. Putting aside the question of how difficult it would be for an officer to reasonably calculate these risks in a high-adrenaline pursuit, the Subcommittee believes that authorization is too broad for an unreliable and potentially deadly maneuver.

As the Subcommittee has emphasized repeatedly in meetings with BPD, officers are still equipped with the tools to terminate a pursuit in a safe manner. BPD policy allows officers to use tire deflation devices and the vehicle containment technique to safely terminate or prevent a pursuit. Officers are also encouraged to catch and report identifying numbers on the fleeing vehicle, so that Berkeley's Flock system can track and alert officers to reported vehicles. In fact, as far as BPD has informed the Subcommittee, there has not been one PIT maneuver executed in Berkeley in the last 15 years.

BPD prides itself on a policing philosophy that emphasizes de-escalation. When it adopted the new Use of Force Policy¹⁵, BPD explained that it "codified our culture that relies heavily on de-escalation."¹⁶ Parts of Policy 307 align with that vision. BPD policy recognizes that pursuits, by their nature, are an escalation of force, which can "cause serious injury or death to officers, suspects and innocent bystanders." As a result, BPD does not authorize officers to pursue fleeing persons suspected of property crimes, misdemeanors, or non-violent felonies, as recommended by PERF. But BPD's Vehicle Pursuit Policy does not admit that forcible pursuit intervention techniques are an even greater escalation of force that requires an even stricter standard to justify their use.

Rather than leave the definition of "extreme circumstance" to the officer to decide in the first instance, the Subcommittee recommends that BPD's Vehicle Pursuit Policy acknowledge that the only circumstance extreme enough to warrant the use of a potentially deadly maneuver is when deadly force is otherwise authorized.

The Subcommittee thanks BPD and, in particular, Deputy Chief Tate and Sergeant Rafferty, for their commitment to this process. Over the course of nine months, our larger group has discussed nearly every provision of the Vehicle Pursuit Policy and reached consensus on multiple issues. The Subcommittee offers this memo in the hopes that we can reach consensus yet again.

¹⁵ Berkeley Police Department Policy 300 "Use of Force:" https://berkeleyca.gov/sites/default/files/2022-05/Use_of_Force.pdf

¹⁶ Berkeley Police Department Transparency Hub: <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/use-of-force>

Berkeley Police Department Policy 307.8.2 “Authorized Pursuit Intervention Techniques”

Complete Policy can be found at:

https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=105

Continued on the next page.

Berkeley Police Department

Law Enforcement Manual

Vehicle Pursuits

- (a) The public's safety within this jurisdiction.
- (b) The safety of the pursuing officers.
- (c) Whether the circumstances are serious enough to continue the pursuit.
- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after considering the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by officers of this department will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers should provide appropriate assistance to officers from the allied agency including but not limited to scene control, coordination and completion of supplemental reports, and any other reasonable assistance requested or needed.

307.8 WHEN PURSUIT INTERVENTION IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards to the public arising from the use of each tactic, the officers, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.

307.8.1 USE OF FIREARMS

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of force. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle (see the Use of Force Policy).

307.8.2 AUTHORIZED PURSUIT INTERVENTION TECHNIQUES

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Officers shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) Blocking shall only be used if the following conditions are met:

Berkeley Police Department

Law Enforcement Manual

Vehicle Pursuits

1. The officer(s) have received training in the technique.
 2. When Feasible, the officer(s) have obtained supervisory approval to use the tactic.
 3. The need to immediately stop the vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the vehicle, officers, or other members of the public.
 4. It reasonably appears the technique will contain or prevent a pursuit **AND**
 5. The individual in a vehicle is suspected of causing significant bodily injury or significant bodily harm, **OR**
 6. The individual in a vehicle may be impaired or in need of emergency medical assistance.
- (b) The Vehicle Containment Technique (VCT) is authorized in extreme circumstances as outlined in the Vehicle Containment Policy. VCT shall only be used if the following conditions are met:
1. The officer(s) have received training in the technique.
 2. The officer(s) have obtained supervisory approval to use the VCT.
 3. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 4. It reasonably appears the technique will contain or prevent a pursuit.
- (c) Tire deflation devices shall only be used if the following conditions are met:
1. The officer(s) have received training in the use of tire deflation devices.
 2. When feasible, the officer(s) have obtained supervisory approval to use tire deflation devices.
 3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 4. It reasonably appears the use will terminate or prevent a pursuit.
 5. The pursued vehicle is not a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
 6. The deployment has been communicated to all involved personnel.

The use of a police vehicle to ram, use a PIT (Pursuit Intervention Technique), roadblock or otherwise intentionally use an emergency vehicle to make forcible contact with a fleeing vehicle, is authorized only in extreme circumstances.

Berkeley Police Department

Law Enforcement Manual

Vehicle Pursuits

Extreme circumstances are described as a situation where the need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.

(d) The PIT shall only be used when the following conditions are met:

1. The officer(s) have received training in the technique.
2. The officer(s) have obtained supervisory approval to use the technique.
3. The speed of both the officer and the suspect vehicle is 35 miles per hour (mph) or less.
4. The officer has considered the safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g. school zones), and the speed of the pursuit relative to these factors.
5. It reasonably appears the technique will terminate or prevent the pursuit.

(e) Ramming a fleeing vehicle shall only be done if the following conditions are met:

1. The officer(s) have received training in the technique.
2. The officer(s) have obtained supervisory approval to use the technique.
3. The officer has considered the safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g. school zones), and the speed of the pursuit relative to these factors.
4. It reasonably appears the technique will terminate or prevent the pursuit.
5. The officer has considered other pursuit intervention techniques and reasonably determined they would be ineffective at terminating the pursuit.
6. Utilizing this intervention technique may constitute deadly force. In those cases, it shall only be used pursuant to the department's Use of Force policy.

(f) Boxing-in a suspect vehicle during a pursuit shall only be used if the following conditions are met:

1. The officer(s) have received training in the technique.
2. If feasible, the officer(s) have obtained supervisory approval to use the technique.
3. It reasonably appears the technique will terminate or prevent the pursuit.

(g) Roadblocks shall only be used if the following conditions are met:

1. The officer(s) have received training in their use.
2. The officer(s) have obtained supervisory approval to use the technique.
3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the technique will terminate or prevent the pursuit.
5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

Berkeley Police Department

Law Enforcement Manual

Vehicle Pursuits

6. Utilizing this intervention technique may constitute deadly force. In those cases, it shall only be used pursuant to the department's Use of Force policy.

307.8.3 TERMINATION POINT PROTOCOL

When the pursuit ends, the primary officer is responsible for coordinating the response of other units until relieved by a supervisor.

Upon arrival, the monitoring supervisor is responsible for conferring with the primary officer and providing the supervision/coordination of responding units.

When multiple agencies are involved, supervisors should determine each agency's responsibility for reporting, transporting, booking, and prosecution.

307.8.4 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use a minimum amount of force, that is objectively reasonable, objectively necessary, and proportional to effectively and safely resolve a conflict.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspects following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspects.

307.9 REPORTING REQUIREMENTS

All appropriate reports should be completed to comply with applicable laws, policies, and procedures.

- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.
- (c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:
 1. Date and time of pursuit.
 2. Initial reason and circumstances surrounding the pursuit.
 3. Length of pursuit in distance and time, including the starting and termination points.
 4. Involved units and officers.
 5. Alleged offenses.

**PAB Policy Review Subcommittee Redline Version of
Berkeley Police Department Policy 307.8.2 “Authorized
Pursuit Intervention Techniques”**

Continued on the next page.

GO U-2; V-6	BPD Draft #1, #2 & PAB Draft
<p>V-6: The use of a police vehicle to block, ram, or use a PIT (pursuit intervention technique), or otherwise interfere with a fleeing vehicle, is authorized only in extreme circumstances as outlined in General Order U-2.</p> <p>U-2 (13): Officers shall not use police vehicles to ram or block other vehicles, persons, or moving objects in a manner that reasonably appears to constitute the use of lethal force, except in the following circumstances:</p> <ul style="list-style-type: none"> (a) When the officer reasonably believes that doing so is necessary to protect the officer or others from death or serious bodily injury, and, where feasible, some warning has been given. (b) To apprehend a suspected fleeing felon: <ul style="list-style-type: none"> (1) When necessary to prevent escape, and (2) When the officer has probable cause to believe that the suspected fleeing felon poses a significant threat of death or serious bodily injury to the officer or others, and (3) Where feasible, some warning has been given 	<p><u>The use of a police vehicle to PIT, ram, box in, or roadblock is not authorized.</u></p>

PAB Final Draft

307.8.2 Authorized Pursuit Intervention Techniques

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. ~~Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and subject to the Use of Force Policy.~~ Officers shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

(a) The Vehicle Containment Technique (VCT) is authorized in extreme circumstances as outlined in Policy 439 Vehicle Containment Technique.

(b) Tire Deflation Devices (TDD) are authorized only when:

1. The officer(s) have received training in the use of TDDs.
2. The officer(s) have obtained supervisory approval to use TDDs.
3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the use will terminate or prevent the pursuit.
5. The pursued vehicle is not a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
6. The deployment has been communicated to all involved personnel.

(c) The use of a police vehicle to block, ram, use a PIT (precision immobilization technique), roadblock or otherwise intentionally use an emergency vehicle to make forcible contact with a fleeing vehicle, is authorized only in extreme circumstances as outlined in Policy 300.4 Use of Deadly Force:

When it is objectively reasonable, based on the totality of the circumstances, that such force is objectively necessary to (1) defend against an imminent threat of death or serious bodily injury to the officer or another or (2) apprehend a suspected fleeing person for any

felony that threatened or resulted in death or serious bodily injury, provided that it is objectively reasonable that the person will cause imminent death or serious bodily injury to another unless immediately apprehended.

(d) Additionally,

- 1) The PIT shall only be used in the following circumstances:
 - a. The officer(s) have received training in the technique.
 - b. The speed of both the officer and the suspect vehicle is 35 miles per hour (mph) or less.
 - c. The officer has considered the safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
 - d. The officer(s) have obtained supervisory approval to use the technique.
 - e. It reasonably appears the technique will terminate or prevent the pursuit.
- 2) Ramming shall only be used in the following circumstances:
 - a. The officer(s) have received training in the technique.
 - b. The speed of both the officer and the suspect vehicle is 35 miles per hour (mph) or less.
 - c. The officer has considered the safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
 - d. The officer(s) have obtained supervisory approval to use the technique.
 - e. It reasonably appears the technique will terminate or prevent the pursuit.
 - f. The officer has considered other pursuit intervention techniques and reasonably determined they would be ineffective at terminating the pursuit.

BPD Final Draft	Lexipol
<p>The PIT maneuver, Ramming, Boxing, and Roadblock intervention tactics shall only be used in extreme circumstances as outlined in the Use of Force Policy: i.e. when it is objectively reasonable, based on the totality of the circumstances, that the tactic is objectively necessary to,</p>	<p>Officers should consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.</p> <p>(a) Blocking should only be used after giving consideration to the following:</p> <ol style="list-style-type: none"> 1. The technique should only be used by officers who have received training in the technique.

- 1) defend against an imminent threat of death or serious bodily injury to the officer or another or
- 2) apprehend a suspected fleeing person for any felony that threatened or resulted in death or serious bodily injury, provided that the need to apprehend the fleeing person outweighs the risk to the officer, the public, the fleeing person and other persons in or on the pursued vehicle.

The PIT shall only be used when the following conditions are met:

1. The officer(s) have received training in the technique.
2. The speed of both the officer and the suspect vehicle is 35 miles per hour (mph) or less.
3. When feasible, the officer(s) have obtained supervisory approval to use the technique.
4. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
5. It reasonably appears the technique will terminate or prevent the pursuit.

Ramming shall only be used when the following conditions are met:

1. When feasible, the officer(s) have obtained supervisory approval to use the technique.
2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of

2. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
3. It reasonably appears the technique will contain or prevent the pursuit.

(b) The PIT should only be used after giving consideration to the following:

1. The technique should only be used by officers who have received training in the technique, including speed restrictions.
2. Supervisory approval should be obtained before using the technique.
3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the technique will terminate or prevent the pursuit.

(c) Ramming a fleeing vehicle should only be done after giving consideration to the following:

1. Supervisory approval should be obtained before using the technique.
2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
3. It reasonably appears the technique will terminate or prevent the pursuit.
4. Ramming may be used only under circumstances when deadly force would be authorized.

injury or death to occupants of the suspect vehicle, officers, or other members of the public.

3. It reasonably appears the technique will terminate or prevent the pursuit.

4. Ramming may be used only under circumstances when deadly force would be authorized.

5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

Boxing in a suspect vehicle during a pursuit shall only be used if the following conditions are met:

1. The officer(s) have received training in the technique.

2. If feasible, the officer(s) have obtained supervisory approval to use the technique.

3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.

4. It reasonably appears the technique will terminate or prevent the pursuit.

Roadblocks shall only be used if the following conditions are met:

1. The officer(s) have received training in their use.

2. If feasible, the officer(s) have obtained supervisory approval to use the technique.

3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.

5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

(d) Before attempting to box a suspect vehicle during a pursuit the following should be considered:

1. The technique should only be used by officers who have received training in the technique.

2. Supervisory approval should be obtained before using the technique.

3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.

4. It reasonably appears the technique will terminate or prevent the pursuit.

<p>4. It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.</p> <p>5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.</p>	
---	--

Demonstration of Pursuit Intervention Techniques “PIT”

Mills County Law Enforcement PIT Maneuver Training:

<https://youtu.be/vQSatZ06v48?si= J3NofZTPgxFVkXG>

California Highway Patrol PIT Maneuver Example:

https://youtu.be/X_QOsskDM60?si=wLL5IOjUFL1zpFF-

Atlanta Police Department PIT Maneuver Example (Crash):

https://youtu.be/-NM_An8Uhv0?si=vCGjN230gJherlo6&t=65

Source Index

Berkeley Police Department Policies:

- Berkeley Police Department Policy 300 “Use of Force”:
https://berkeleyca.gov/sites/default/files/2022-05/Use_of_Force.pdf
- Berkeley Police Department Transparency Hub: <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/use-of-force>

Police Pursuit Policies:

- Detroit Police Department Policy 303.2 “Vehicle Pursuits”:
https://detroitmi.gov/sites/detroitmi.localhost/files/2018-03/VEHICULAR_PURSUIITS.pdf
- Chicago Police Department General Order G03-03-01 “Emergency Vehicle Operations – Pursuits”: <https://www.lb7.uscourts.gov/documents/17c53453.pdf>
- Milwaukee Police Department General Order 2024-10 “Vehicle Pursuits and Emergency Vehicle Operations”:
<https://city.milwaukee.gov/ImageLibrary/Groups/mpdAuthors/SOP/660-VEHICLEPURSUITSANDEMERGENCYVEHICLEOPERATIONS1.pdf>
- San Francisco Police Department General Order 5.05 “Emergency Response and Pursuit Driving”:
<https://www.sanfranciscopolice.org/sites/default/files/2018-11/DGO5.05%20Response%20and%20Pursuit%20Driving.pdf>
- Baltimore Police Department Policy 1503 “Emergency Vehicle Operation and Pursuit”:
<https://www.baltimorepolice.org/transparency/bpd-policies/emergency-vehicle-operation-and-pursuit>

Legal References:

- California Code, Penal Code - PEN § 835a: <https://codes.findlaw.com/ca/penal-code/pen-sect-835a/>

Reports and Studies:

- Vehicular Pursuits: A Guide for Law Enforcement Executives, US DOJ Community Oriented Policing Services & Police Executive Research Forum:
<https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-r1134-pub.pdf>
- Fairfax County Analytical Summary Report, Fairfax County Virginia:
https://www.fairfaxcounty.gov/police/sites/police/files/assets/arcgis/fcpod_site/2022%20pursuit%20analysis.pdf

Journalistic Investigations:

- Gollan, Jennifer, and Susie Neilson. “Police Are Deliberately Ramming Suspects’ Cars. Here’s How Many People Have Died - Including Bystanders.” The San Francisco Chronicle, The San Francisco Chronicle, 27 Sept. 2024.
www.sfchronicle.com/projects/2024/police-pursuits-pit/

Item 9.b. Policy Complaint 2025-PR-0001



MEMORANDUM

Date: February 14, 2025
To: Honorable Members of the Police Accountability Board
From: Hansel A. Aguilar, Director of Police Accountability *HA*
Jose D. Murillo, Policy Analyst *JM*
Subject: Notice of Policy Complaint No. 2025-PR-0001

The purpose of this memorandum is to introduce Policy Complaint Number 2025-PR-0001 to the Police Accountability Board (PAB) as required by Section G of the PAB's Standing Rules.¹

Background:

On January 28, 2025, the Office of the Director of Police Accountability (ODPA) received Policy Complaint No. 2025-PR-0001 from a member of the public (hereinafter referred to as the "Complainant"), who requested a policy review in addition to submitting two personnel complaints. Refer to Attachment 1, Policy Complaint 2025-PR-0001.

The Complainant reported having two interactions with the Berkeley Police Department in January 2025. During those interactions, some of the responding officers were either the subject of complaints the Complainant had filed with the PAB or involved in other litigation that had been filed. In one of the complaints, the Complainant stated that they believed they should not be interacting with officers who were the subject of a complaint they had submitted, expressing concerns about potential retaliation and/or biased treatment in instances where the responding officer is a subject of a complaint filed by a party involved in the call.

Potential Area(s) of Review:

Under Berkeley City Charter Section 125(17)(a), the Police Accountability Board (PAB) has the authority to "review policies, practices, and procedures of the Police

¹ Section G. "Policy Complaints and Reviews" of the PAB's Standing Rules:
https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf

Department at its discretion, at the request of a member of the public, in response to a policy complaint, or following a public complaint against an officer."²

If the PAB proceeds with this review, it may consider narrowing its focus and providing recommendations on the following policies, if warranted:

- **BPD Policy 1004 “Anti-Retaliation”³**
 - Purpose of Policy: “This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.”
 - Reason: Policy 1004.3 prohibits retaliation against anyone for lawful conduct, opposing unlawful or unethical practices, filing a complaint, or participating in an investigation related to a complaint. The policy provides guidelines as to what constitutes retaliation.

- **BPD Policy 1010 “Personnel Complaints”⁴**
 - Purpose of Policy: “The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements. It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.”
 - Reason: Policy 1010.5 prohibits employees involved in an Internal Affairs or Police Accountability Board investigation from contacting complainants or witnesses regarding the complaint. However, employees may interact with complainants or witnesses as needed in the course of normal police duties, including conducting investigations or responding to calls for service.

Courses of Action:

Upon receiving a policy complaint, the Board can choose from several potential courses of action⁵, 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.

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

³ BPD Policy 1004 “Anti-Retaliation”:
https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=786

⁴ BPD Policy 1010 “Personnel Complaints”:
https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=812

⁵ 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

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 ODPa suggests that the PAB consider delaying or deferring any decision regarding the acceptance or rejection of the policy complaint due to an ongoing personnel complaint. This recommendation is in accordance with Section II.G.1.b. of the Interim Regulations for Handling Complaints Against Sworn Officers of the Police Department, which stipulates that "no member of a hearing panel should publicly express an opinion regarding policies directly linked to the subject matter of a pending complaint."⁶ Currently, there is an active personnel complaint, and the investigation's outcome remains uncertain. Given that any member may potentially serve on the hearing panel, the ODPa advises exercising caution to prevent any potential interference with the ongoing investigation. This precautionary measure is particularly important since policy complaints necessitate public commentary on the raised policy questions.

Attachments:

1. Policy Complaint 2025-PR-0001

⁶ PAB Interim Regulations for Handling Complaints: https://berkeleyca.gov/sites/default/files/2022-02/PAB-ODPA.Interim.Reggs_.Approved.2021-10-05.pdf



Policy/Practice/Procedure Form

Tracking Number ODPa-250212-041503

Created by [REDACTED]

Original version

POLICY

Personal Information

Basic Information

Email

[REDACTED]

First Name

[REDACTED]

Last Name

[REDACTED]

Home/Cell Telephone

[REDACTED]

Anonymously

No

Work Telephone

Not Specified

Mailing Address

Street Name

[REDACTED]

Apt/Unit #

Not Specified

State

California

City

Berkeley

Zip Code

94704

Occupation

Not Specified

Demographics

Ethnicity

Prefer not to answer

Race

Prefer not to answer

Gender

Not Specified

Incident Details

Statement

The Complainant reported having two interactions with the Berkeley Police Department in January 2025. During those interactions, some of the responding officers were either the subject of complaints the Complainant had filed with the PAB or involved in other litigation. In one of the complaints, the Complainant stated that they believed they should not be interacting with officers who were the subject of a complaint they had submitted, expressing concerns about potential retaliation and/or biased treatment in instances where the responding officer is a subject of a complaint filed by a party involved in the call.

Location of Incident (if applicable)

Two different locations

Date of Incident (if applicable) Time of Incident (if applicable)

Not Specified

Not Specified

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

The BPD could consider implementing a policy to prevent officers with active complaints or litigation from responding to calls involving the complainant, with additional oversight to avoid bias. Additionally, the BPD should establish clear policies prohibiting retaliation and biased treatment.

Additional Information

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.)

Not Specified

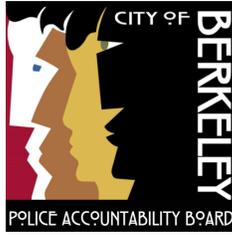
Upload Document Incident External Links How did you hear about us?

Not Specified

Not Specified

Not Specified

Item 9.c. Resolutions recognizing departing Board Members for their
service and contributions to the PAB



RESOLUTION NO. 2025-0001

RESOLUTION OF THE POLICE ACCOUNTABILITY BOARD AND THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY OF THE CITY OF BERKELEY THANKING REGINA HARRIS FOR HER SERVICE AND COMMITMENT TO CIVILIAN OVERSIGHT

WHEREAS, the City of Berkeley is committed to transparency, accountability, and community engagement through the work of the Police Accountability Board (PAB); and

WHEREAS, Regina Harris served on the PAB from July 7, 2021 to February 5, 2025 and was one of the originally appointed members to serve on the PAB, provided dedicated service to the mission of civilian oversight and police accountability in Berkeley; and

WHEREAS, during her tenure, Regina Harris demonstrated exemplary leadership and commitment to the Board's work, including serving as Vice Chair, where she played a crucial role in guiding discussions, facilitating meetings, and strengthening the Board's decision-making processes; and

WHEREAS, Regina Harris contributed significantly to key initiatives, including her participation in the Body-Worn Camera (BWC) subcommittee, where she provided insight and recommendations to enhance transparency and accountability in policing practices; and

WHEREAS, Regina Harris was a steadfast advocate for community concerns, ensuring that the voices of Berkeley residents were represented in discussions on police oversight, policy development, and systemic reform; and

WHEREAS, her dedication, insight, and leadership have had a lasting impact on the Board's work and the broader goals of police accountability in the City of Berkeley;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Police Accountability Board of the City of Berkeley that the Board expresses its deepest gratitude and appreciation to Regina Harris for her outstanding contributions and unwavering commitment to the mission of civilian oversight.

BE IT FURTHER RESOLVED, that the Board and the Office of the Director of Police Accountability extend their heartfelt thanks to Regina Harris for her leadership and service, recognizing her positive impact on the Board's initiatives and the Berkeley community.

BE IT FURTHER RESOLVED, this resolution be presented to Regina Harris as a token of our sincere appreciation and recognition for her invaluable service to police accountability in the City of Berkeley.

RESOLUTION NO. 2025-0001

BE IT FURTHER RESOLVED, this resolution be presented to Regina Harris as a token of our sincere appreciation and recognition for her invaluable service to police accountability in the City of Berkeley, and that a copy be transmitted to the Berkeley City Council for their awareness and acknowledgment of her contributions.

Adopted on: _____

RESOLUTION VOTING RESULTS

Board Member	Aye	No	Abstain
Calavita	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cayetano	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leftwich	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Total: _____

CERTIFICATION

I, Joshua Cayetano, as Chair of the Police Accountability Board, hereby certify the accuracy of the voting results contained in this document.

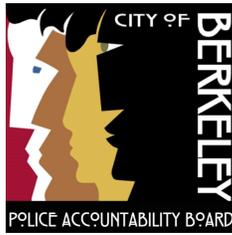
Date: _____

Joshua Cayetano,
Chair of the Police Accountability Board

I, Hansel A. Aguilar, witnessed the signing of this document and can confirm that the signature, whether physical or electronic, belongs to Joshua Cayetano. I have signed this document below as a witness to the signing.

Date: _____

Hansel A. Aguilar,
Director of Police Accountability & Secretary to the Police Accountability Board



RESOLUTION NO. 2025-0002

RESOLUTION OF THE POLICE ACCOUNTABILITY BOARD AND THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY OF THE CITY OF BERKELEY THANKING BRENT BLACKABY FOR HIS SERVICE AND COMMITMENT TO CIVILIAN OVERSIGHT

WHEREAS, the City of Berkeley is committed to transparency, accountability, and community engagement through the work of the Police Accountability Board (PAB); and

WHEREAS, Brent Blackaby served on the PAB from September 12, 2023 to December 6, 2024 and provided dedicated service to the mission of civilian oversight and police accountability in Berkeley; and

WHEREAS, during his tenure, Brent Blackaby demonstrated a strong commitment to improving the mechanisms for recognizing positive contributions within the Berkeley Police Department, advocating for a revised commendations process that fairly and transparently acknowledges officers' notable efforts in serving the community; and

WHEREAS, his thoughtful approach to oversight and policy reform contributed to strengthening public trust in law enforcement accountability and reinforcing the PAB's role in fostering fair and effective police practices; and

WHEREAS, Brent Blackaby resigned from the PAB to continue his public service as a member of the Berkeley City Council, demonstrating his ongoing dedication to civic engagement and the betterment of the Berkeley community; and

WHEREAS, his tenure on the PAB left a lasting impact on its operations, setting a foundation for continued progress in police oversight and community relations;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Police Accountability Board of the City of Berkeley that the Board expresses its deepest gratitude and appreciation to Brent Blackaby for his outstanding service, leadership, and commitment to the mission of civilian oversight.

BE IT FURTHER RESOLVED, that the Board and the Office of the Director of Police Accountability extend their heartfelt thanks to Brent Blackaby for his efforts to enhance accountability, transparency, and positive engagement between law enforcement and the community.

BE IT FURTHER RESOLVED, this resolution be presented to Brent Blackaby as a token of our sincere appreciation and recognition for his invaluable service to police accountability in the City of Berkeley, and that a copy be transmitted to the Berkeley City Council for their awareness and acknowledgment of his contributions.

RESOLUTION NO. 2025-0002

Adopted on: _____

RESOLUTION VOTING RESULTS

Board Member	Aye	No	Abstain
Calavita			
Cayetano			
Leftwich			
Williams			
Wilson			

Total: _____

CERTIFICATION

I, Joshua Cayetano, as Chair of the Police Accountability Board, hereby certify the accuracy of the voting results contained in this document.

Date: _____

Joshua Cayetano,
Chair of the Police Accountability Board

I, Hansel A. Aguilar, witnessed the signing of this document and can confirm that the signature, whether physical or electronic, belongs to Joshua Cayetano. I have signed this document below as a witness to the signing.

Date: _____

Hansel A. Aguilar,
Director of Police Accountability & Secretary to the Police Accountability Board



RESOLUTION NO. 2025-0003

RESOLUTION OF THE POLICE ACCOUNTABILITY BOARD AND THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY OF THE CITY OF BERKELEY THANKING JOHN "CHIP" MOORE FOR HIS SERVICE AND LEADERSHIP IN CIVILIAN OVERSIGHT

WHEREAS, the City of Berkeley is committed to transparency, accountability, and community engagement through the work of the Police Accountability Board (PAB); and

WHEREAS, John "Chip" Moore served on the PAB from July 7, 2021 to February 5, 2025 and was one of the originally appointed members to serve on the PAB, demonstrating an unwavering commitment to the mission of civilian oversight and police accountability in Berkeley; and

WHEREAS, John "Chip" Moore served two consecutive terms as Chair of the PAB, guiding the Board and the Office of the Director of Police Accountability through a crucial developmental phase; and

WHEREAS, under his leadership, the PAB successfully submitted its Permanent Regulations, which are currently undergoing the meet and confer process, ensuring a solid framework for civilian oversight and law enforcement accountability; and

WHEREAS, Chair Moore oversaw the finalization of the *BERKELEY POLICE DEPARTMENT TEXTING OFFENSES: An Independent Investigation by the Police Accountability Board* (commonly referred to as the Downtown Task Force Report), demonstrating his steadfast commitment to transparency and accountability in law enforcement oversight; and

WHEREAS, his tenure was marked by significant milestones that strengthened the Board's role in police accountability, setting a strong foundation for the newly elected Chair to build upon; and

WHEREAS, John "Chip" Moore's leadership, dedication, and expertise have left a lasting impact on the Board's work and the broader goals of police accountability in the City of Berkeley;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Police Accountability Board of the City of Berkeley that the Board expresses its deepest gratitude and appreciation to John "Chip" Moore for his outstanding service, leadership, and commitment to the mission of civilian oversight.

BE IT FURTHER RESOLVED, that the Board and the Office of the Director of Police Accountability extend their heartfelt thanks to John "Chip" Moore for his exceptional contributions, recognizing his role in shaping a strong and effective oversight body.

RESOLUTION NO. 2025-0003

BE IT FURTHER RESOLVED, this resolution be presented to John "Chip" Moore as a token of our sincere appreciation and recognition for his invaluable service to police accountability in the City of Berkeley, and that a copy be transmitted to the Berkeley City Council for their awareness and acknowledgment of his contributions.

Adopted on: _____

RESOLUTION VOTING RESULTS

Board Member	Aye	No	Abstain
Calavita	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cayetano	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leftwich	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Total: _____

CERTIFICATION

I, Joshua Cayetano, as Chair of the Police Accountability Board, hereby certify the accuracy of the voting results contained in this document.

Date: _____

Joshua Cayetano,
Chair of the Police Accountability Board

I, Hansel A. Aguilar, witnessed the signing of this document and can confirm that the signature, whether physical or electronic, belongs to Joshua Cayetano. I have signed this document below as a witness to the signing.

Date: _____

Hansel A. Aguilar,
Director of Police Accountability & Secretary to the Police Accountability Board



RESOLUTION NO. 2025-0004

RESOLUTION OF THE POLICE ACCOUNTABILITY BOARD AND THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY OF THE CITY OF BERKELEY THANKING ALEXANDER MOZES FOR HIS SERVICE AND COMMITMENT TO CIVILIAN OVERSIGHT

WHEREAS, the City of Berkeley is committed to transparency, accountability, and community engagement through the work of the Police Accountability Board (PAB); and

WHEREAS, Alexander Mozes served on the PAB from November 7, 2023 to February 5, 2025 and provided dedicated service to the mission of civilian oversight and police accountability in Berkeley; and

WHEREAS, during his tenure, Alexander Mozes distinguished himself as a thoughtful and engaged member of the Board, contributing significantly to key discussions and policy initiatives; and

WHEREAS, Alexander Mozes conducted an independent and in-depth analysis of the Fair and Impartial Policing (FIP) report, providing valuable insights and recommendations that strengthened the Board's understanding and oversight of bias and policing practices in Berkeley; and

WHEREAS, Alexander Mozes was a vocal and thoughtful critic of the Specialized Care Unit (SCU), raising important considerations about its implementation, effectiveness, and alignment with the community's needs and expectations; and

WHEREAS, his dedication, analytical contributions, and unwavering commitment to meaningful oversight have had a lasting impact on the Board's work and the broader goals of police accountability in the City of Berkeley;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Police Accountability Board of the City of Berkeley that the Board expresses its deepest gratitude and appreciation to Alexander Mozes for his outstanding contributions and commitment to the mission of civilian oversight.

BE IT FURTHER RESOLVED, that the Board and the Office of the Director of Police Accountability extend their heartfelt thanks to Alexander Mozes for his leadership, advocacy, and dedication to advancing police accountability and community trust.

BE IT FURTHER RESOLVED, this resolution be presented to Alexander Mozes as a token of our sincere appreciation and recognition for his invaluable service to police accountability in the City

RESOLUTION NO. 2025-0004

of Berkeley, and that a copy be transmitted to the Berkeley City Council for their awareness and acknowledgment of his contributions.

Adopted on: _____

RESOLUTION VOTING RESULTS

Board Member	Aye	No	Abstain
Calavita	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cayetano	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leftwich	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Total: _____

CERTIFICATION

I, Joshua Cayetano, as Chair of the Police Accountability Board, hereby certify the accuracy of the voting results contained in this document.

Date: _____

Joshua Cayetano,
Chair of the Police Accountability Board

I, Hansel A. Aguilar, witnessed the signing of this document and can confirm that the signature, whether physical or electronic, belongs to Joshua Cayetano. I have signed this document below as a witness to the signing.

Date: _____

Hansel A. Aguilar,
Director of Police Accountability & Secretary to the Police Accountability Board

Item 9.d. Memorandum from Chair Cayetano and Director Aguilar titled
“Compliance with Charter-Mandated Training Requirements”



MEMORANDUM

Date: February 14, 2025
To: Honorable Members of the Police Accountability Board (PAB)
From: Joshua Cayetano, Chair of the PAB
Hansel Aguilar, Director of Police Accountability (DPA) & Secretary to the PAB
Re: Compliance with Charter-Mandated Training Requirements

A handwritten signature in black ink, appearing to be "Hansel Aguilar", written over the "From:" line of the memorandum.

As members of the Police Accountability Board (PAB), your role in civilian oversight of law enforcement is critical to ensuring transparency, accountability, and community trust. In accordance with Section 125(12) of the Berkeley City Charter, all Board members are required to complete training within six months of their appointment. The required training curriculum encompasses essential oversight principles and topics designed to equip Board members with the necessary knowledge and skills to execute their duties effectively.

Training Requirements as per Section 125(12) of the Charter:

Each Board member is required to complete training in the following areas within six months of appointment:

- 1. Quasi-judicial duties and obligations of the Board**
- 2. Constitutional rights and civil liberties**
- 3. Fundamentals of procedure, evidence, and due process**
- 4. The Public Safety Officers Procedural Bill of Rights Act**
- 5. Police Department operations, policies, practices, and procedures**
- 6. Duties, responsibilities, procedures, and requirements associated with all ranks and assignments within the Police Department**

To facilitate compliance, we have developed a structured training checklist (attached) that includes reading materials, video modules (including NACOLE training videos), and in-person or virtual training sessions covering each mandated topic. Board members are expected to track and complete their assigned training modules accordingly.

To remain in good standing and in compliance with the Charter, all Board members must submit a completed training log to the Office of the Director of Police Accountability (ODPA) within six months of their appointment. Failure to do so may impact your ability to effectively serve on the Board and fulfill its oversight responsibilities.

We appreciate your dedication to ensuring robust civilian oversight in Berkeley. Should you have any questions or require additional resources, please do not hesitate to contact our office.

Attachments:

Training Checklist

BOARD TRAINING COMPLIANCE CHECKLIST
Mandated Training Areas & Corresponding Materials

TRAINING CATEGORY	MANDATORY TRAINING MATERIAL (Mark as Completed)	FORMAT	ESTIMATED COMPLETION TIME
PAB/ODPA/ COMMISSIONS 101	<p>Laws and Regulations</p> <ul style="list-style-type: none"> <input type="checkbox"/> Enabling Legislation: City Charter Section 125, Article XVIII: https://berkeley.municipal.codes/Charter/125 <input type="checkbox"/> Related Legislation: Resolution No. 69,531 N.S. https://records.cityofberkeley.info/PublicAccess/api/Document/AS7fauJO8gGdBitjzTVKZe24Tn1AI%C3%813B%C3%81U74Bhlot7%C3%89xJ3WbszMZVpwOwgV4fOWQ0HWSuyLnz9QqidtSM0o8B%C3%81E%3D/ <input type="checkbox"/> Interim Regulations for Handling Complaints Against Sworn Officers of the Police Department https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2022-11-21.PAB_.Pkt_.pdf <input type="checkbox"/> Standing Rules https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandinRules.pdf <p>POWERS & DUTIES:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Mandatory vs Permissive https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-02-01%20PAB%20Special%20Meeting%20Packet_Final.pdf <input type="checkbox"/> Commissioner's Manual https://berkeleyca.gov/sites/default/files/documents/Commissioners Manual 2019 WCAG_Final.pdf 	Reading	2-3 Varies
Quasi-judicial duties and obligations	<p>Berkeley Charter Section 125(12) &</p> <ul style="list-style-type: none"> <input type="checkbox"/> NACOLE Video: "Civilian Oversight 101" https://www.youtube.com/watch?v=DWBRxdMXdzk 	Video & Reading	2 hours

TRAINING CATEGORY	MANDATORY TRAINING MATERIAL (Mark as Completed)	FORMAT	ESTIMATED COMPLETION TIME
Constitutional rights and civil liberties	<input type="checkbox"/> NACOLE: "Constitutional Police-Community Encounters" https://youtu.be/z4AfhzdnvJo <input type="checkbox"/> US Constitution https://www.aclu.org/constitution-united-states-america <input type="checkbox"/> Constitution 101 https://constitutioncenter.org/the-constitution/constitution-101-course <input type="checkbox"/> Interactive Constitution https://constitutioncenter.org/the-constitution <input type="checkbox"/> California Constitution https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=CONS&division=&title=&part=&chapter=&article=1	Video & Reading	1.5 hours
Fundamentals of procedure, evidence, and due process	<input type="checkbox"/> NACOLE Video: Making Factual Determinations, Applying Legal Standards, and Reaching Allegation Outcomes https://youtu.be/3B8m1eL5yWk	Video & Reading	2 hours
The Public Safety Officers Procedural Bill of Rights Act	<input type="checkbox"/> NACOLE Video: Understanding Brady and Giglio: Civilian Oversight's Role https://youtu.be/wQYkAvGpR7Y <input type="checkbox"/> California Government Code Section 3300 https://cslea.com/legal/peace-officer-bill-of-rights/	Reading	1.5 hours
Police Department operations, policies, practices, and procedures	NACOLE Use of Force Training Videos: <input type="checkbox"/> The Evolution of Use of Force https://youtu.be/nW_qGdzdAps <input type="checkbox"/> Understanding Use of Force https://youtu.be/ujQJ-3wfhv0 <input type="checkbox"/> Investigating and Analyzing Use of Force https://youtu.be/UF6PpXBF-3M	Video & Reading	10 hours

TRAINING CATEGORY	MANDATORY TRAINING MATERIAL (Mark as Completed)	FORMAT	ESTIMATED COMPLETION TIME
	<ul style="list-style-type: none"> <input type="checkbox"/> Analyzing and Reporting Use of Force Statistics https://youtu.be/AUoaWflpQn0 <p>ODPA UoF Webinar Series:</p> <ul style="list-style-type: none"> <input type="checkbox"/> ODPA Use of Force Forum – [Forum #1] De-escalation and Proportionality https://youtu.be/WXlh_awQV2Q <input type="checkbox"/> ODPA Use of Force Forum – [Forum #2] Accountability and Transparency https://youtu.be/r7zqGT-QOyl?si=CQXjKm2XctS6GRFI <input type="checkbox"/> ODPA Use of Force Forum – [Forum #3] Building and Maintaining Community Trust https://youtu.be/H9PaAAXIds <input type="checkbox"/> Berkeley PD Policy 300: https://berkeleyca.gov/sites/default/files/2022-05/Use_of_Force.pdf 		
Duties, responsibilities, procedures, and requirements of police ranks	<ul style="list-style-type: none"> <input type="checkbox"/> BPD TRAINING: https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf <input type="checkbox"/> Ride-along with Berkeley PD 	In-Person & Reading	2 hours

Submission Deadline: Within 6 months of appointment

Verification: Training logs must be submitted to ODPa

Training Log Link: <https://forms.office.com/g/SMUUqaZBhD>

Legislative Updates Relevant to the PAB's Work



MEMORANDUM

Date: February 14, 2025
To: Honorable Members of the Police Accountability Board
From: Hansel A. Aguilar, Director of Police Accountability *HA*
Jose D. Murillo, ODPD Policy Analyst *JM*
Subject: Legislative Updates

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

State Legislative Updates¹

There have been no state legislative updates since the PAB's meeting on February 5, 2025. The bill introduction deadline is February 21, 2025.

The BPD's Policy and Training Bureau prepared a legislative update summarizing legal changes affecting law enforcement in 2024 and 2025. Based on the California Peace Officers' Association's 2024 and 2025 Legislative Update Manual, it highlights key updates from both years but does not cover every legislative change. Unless otherwise noted, the changes outlined in the updates took effect January 1, 2024 or January 1, 2025. The following BPD Policies include the legislative updates:

- BPD Policy 1505 "2024 Legislative Update"²
- BPD Policy 1506 "2025 Legislative Update"³

The California Peace Officers Association also provides a yearly California Legislative and Legal Digest⁴.

Lexipol Policy Updates

The following updates have been made through the BPD's Knowledge Management System (KMS):

- BPD Policy 431 "Medical Aid and Response"

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

² https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=1037

³ https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=1041

⁴ <https://cpoa.org/wp-content/uploads/2024/11/2025-Legislative-Legal-Digest.pdf>

- Adds section 431.7.1 “AED User Responsibility” to provide guidance on the use of AED by trained officers.

City of Berkeley Council Meeting Updates

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

February 11, 2025 Regular Meeting

There are no items relevant to the PAB

February 11, 2025 Special Meeting

- **Item 1a.** Effective Mitigations for Berkeley’s Ember Resilience (EMBER): Fire Code Amendments

Recommendation: Provide feedback and direction on the next steps for three proposals: (1) Establish Fire Zone 4 in the Berkeley Fire Code, (2) Repeal and reenact BMC Chapter 19.48 to include ember-resistant "Zone Zero" and other defensible space practices, with a Public Hearing on March 25, 2025, and (3) Research the Quantifying the Negative (QTN) approach to assess the economic value of fire services, with findings presented by December 2025.

- **Item 1b.** Effective Mitigations for Berkeley’s Ember Resilience (EMBER): Building Code Amendments

Recommendation: Staff will return to Council by the end of 2025 with a resolution for the triannual adoption of Berkeley’s Building, Historical, and Fire Codes for Fire Zones 3 and 4, incorporating Council’s feedback. The amendments aim to enhance wildfire defenses by addressing embers, radiant heat, and direct flame exposure. Proposed changes may include requirements for Class A roofs, fire-resistant siding, metal gutters, ember-resistant vents, and other safety measures. Due to potential financial impacts on homeowners, staff will explore funding options, including Federal, State, and Municipal programs, to support high-priority upgrades.

- **Item 1c.** Effective Mitigations for Berkeley’s Ember Resilience (EMBER): Leave Early and Fire Department Staffing

Recommendation: Provide feedback on two proposals: (1) Evaluate thresholds for the City’s Extreme Fire Weather and NOAA’s Particularly Dangerous Situation designations and their impact on the “Leave Early” concept, with staff reporting back by May 2025; and (2) Affirm Council support for specific Fire Department staffing recommendations from the SOC study.

- **Item 1d.** Request Inter-Departmental Collaboration and Implementation of Safe Passages

Recommendation: Direct Public Works, Police, and Fire to collaborate on implementing Safe Passages Program – EMBER Initiative Phases 1 and 2 to improve wildfire response

and evacuation by establishing and enforcing no-parking zones. Staff will report back by May 2025.

February 25, 2025 PAB Regular Meeting

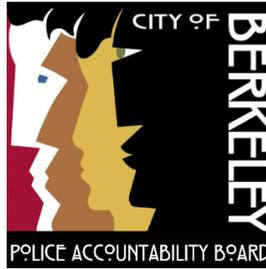
- **Item 6.** - Berkeley Police Association – Amendments to Retiree Medical Benefits

Recommendation: Adopt a Resolution approving a side letter between the City of Berkeley and the Berkeley Police Association amending Sections 32.3, 32.5, and 32.6 of the City’s Memorandum of Understanding (MOU) with the union to expand and clarify existing provisions that pertain to retiree health benefits.

Auditor’s Reports & Other Off-Agenda Items

- 2009 Leases Audit Follow-Up: Berkeley Faces the Same Risks 16 Years Later (City Auditor)
- FY 2024 Fourth Quarter Investment Report: Ended June 30, 2024 (City Manager)
- Community Health Assessment Report (City Manager)

Policy Review Status Updates



POLICY REVIEW STATUS REPORT

Guiding Authority

Section 125(3)(a)(1) and Section 125(17)(a) of the Berkeley City Charter¹

Case Load Overview

As of January 31, 2025, the Police Accountability Board (PAB) has 13 open policy reviews. There has been one new policy review submitted to the PAB since the last meeting on February 5, 2025.

Note: ODPa staff is evaluating expected completion timelines in line with PAB priorities for 2025. Additionally, staff is reviewing 2025 legislative updates for alignment and their impacts on the open policy reviews.

Policy Review Number	2487
Policy Topic	Involuntary Injections/Medical Care
Relevant Policy	BPD 431 "Medical Aid and Response"
Status	Records Obtained; Review in Progress
Date Presented to the PAB	1/12/2022
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA
Summary	
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 personnel 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.	

¹ Berkeley City Charter: <https://berkeley.municipal.codes/Charter/125>

Activity Report	
Evaluating for potential referrals to subcommittee or PAB members.	

Policy Review Number	2488
Policy Topic	Standards of Use of Force During an Arrest
Relevant Policy	BPD Policy 300 "Use of Force"
Status	Records Obtained; Review in Progress
Date Presented to the PAB	1/31/2024
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA

Summary	
----------------	--

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.

Activity Report	
------------------------	--

Evaluating for potential referrals to subcommittee or PAB members.	
--	--

Policy Review Number	17
Policy Topic	Use of Force During a Mental Health Response
Relevant Policy	BPD Policy 300 "Use of Force" BPD Policy 409 "Crisis Intervention"
Status	Records Obtained; Review in Progress
Date Presented to the PAB	7/27/2022
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA

Summary	
----------------	--

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.

Activity Report	
------------------------	--

Evaluating for potential referrals to subcommittee or PAB members.	
--	--

Policy Review Number	19
Policy Topic	Detention of Inebriated Individuals
Relevant Policy	BPD Policy 900 "Temporary Custody of Adults"
Status	Records Obtained; Review in Progress
Date Presented to the PAB	1/31/2023
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA
Summary	
<p>On January 8, 2022, Berkeley Police responded to a call about an intoxicated individual, aiding 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.</p>	
Activity Report	
Evaluating for potential referrals to subcommittee or PAB members.	

Policy Review Number	2023-PR-0006
Policy Topic	Parking Enforcement Practices
Relevant Policy	BPD Policy 500 "Traffic Function and Responsibility" BPD Policy 502 "Vehicle Towing and Release" BPD Policy 507 "72-Hour Parking Violations"
Status	Review In Progress
Date Presented to the PAB	10/11/2023
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB – Assigned to Board Member Moore
Summary	
<p>The complainant raised concerns about the Berkeley Police Department's inconsistent parking enforcement, specifically the failure to ticket out-of-state vehicles for violations. They allege that officers dismiss issuing citations for such vehicles due to difficulty in collecting fines, particularly during the UC Berkeley academic year, causing neighborhood inconveniences.</p>	
Activity Report	
Evaluating for potential referrals to subcommittee or PAB members.	

Policy Review Number	2023-PR-0007 ²
Policy Topic	Restraining Orders & Interactions with the Elderly
Relevant Policy	BPD Policy 313 “Senior and Disability Victimization” BPD Policy 430 “Civil Disputes”
Status	Review In Progress; Records Obtained
Date Presented to the PAB	7/24/2024
Anticipated Completion	March 5, 2025
Assigned To	ODPA
Summary	
<p>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.</p>	
Activity Report	
<p>The ODPA held a focus group at the North Berkeley Senior Center on February 7, 2025. The information gathered is currently under review for inclusion in the final report.</p>	

Policy Review Number	2023-PR-0008
Policy Topic	Off-Duty Conduct
Relevant Policy	BPD Policy 321 “Standard of Conduct” BPD Policy 401 “Fair and Impartial Policing” BPD Policy 344 “Off-Duty Law Enforcement Actions”
Status	Review in Progress; Assigned to Policy Review Subcommittee
Date Presented to the PAB	10/11/2023
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB – Assigned to Policy Review Subcommittee
Summary	
<p>The complainant expresses concerns about off-duty police officers exhibiting harmful behavior and recommends improving the Police Accountability Board’s oversight of off-duty conduct, including anti-racist hiring practices, stronger discipline measures, and increased transparency on racial profiling. They highlighted relevant policies and noted</p>	

² On December 11, 2024, the PAB voted to divide this review in two parts. The first looking at the issue of restraining orders and the second into BPD’s interactions with the elderly. The PAB was presented with part one on January 8, 2025.

that the PAB is considering a subcommittee dedicated to off-duty law enforcement actions.

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

Policy Review Number	2023-PR-0009
Policy Topic	Use of Force – Handcuffing
Relevant Policy	BPD Policy 300 “Use of Force”
Status	Review in Progress
Date Presented to the PAB	1/5/2024
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA

Summary

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.

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

Policy Review Number	2024-PR-0003
Policy Topic	Computer Voice Stress Analyzers (CVSA)
Relevant Policy	BPD Policy 807 “Computer Voice Stress Examinations”
Status	Review in Progress
Date Presented to the PAB	5/22/2024
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB

Summary

The policy review examines the Berkeley Police Department's use of CVSA and evaluates the effectiveness of this technology.

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

Policy Review Number	2024-PR-0004
Policy Topic	Artificial Intelligence (AI) Assisted Report Writing
Relevant Policy	BPD Policy 323 “Report Preparation”
Status	Open

Date Presented to the PAB	6/5/2024
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA
Summary	
This review aims to assess the feasibility of AI-assisted report writing and identify potential benefits and concerns associated with its use by law enforcement.	
Activity Report	
Evaluating for potential referrals to subcommittee or PAB members.	

Policy Review Number	2024-PR-0005
Policy Topic	BPD Relationship with Downtown Berkeley Ambassadors
Relevant Policy	BPD Policy 300 "Use of Force" BPD Policy 425 "Body Worn Cameras"
Status	Pending Acceptance
Date Presented to the PAB	10/30/2024
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA
Summary	
The complaint alleges BPD failed to report improper force, destroyed evidence, and allowed a citizen to use a chokehold, raising concerns about the practice of "deputizing citizens." The complainant requests an investigation, disciplinary action, policy review, public transparency, and restitution.	
Activity Report	
Evaluating for potential referrals to subcommittee or PAB members.	

Policy Review Number	2024-PR-0006
Policy Topic	BPD's Use of the Specialized Care Unit
Relevant Policy	BPD Policy 409 "Crisis Intervention" BPD Policy 410 "Mental Illness Commitments"
Status	Open
Date Presented to the PAB	11/13/2024
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA
Summary	

The complaint details an October 5, 2024, incident where a young woman in a mental health crisis was handcuffed after a domestic violence report. The complainant expressed concern over her distress and the absence of a mental health response, with officers allegedly stating they lacked time for such resources.

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

Policy Review Number	2024-PR-0008
Policy Topic	Records Retention
Relevant Policy	BPD Policy 804 "Record Maintenance and Release"
Status	Open
Date Presented to the PAB	1/8/2025
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA

Summary

The ODPA received a complaint regarding BPD's inability to provide past officer rosters in response to a PRA request, as the records are no longer maintained. The complainant recommended that BPD adopt a policy to retain and provide such rosters upon request.

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.