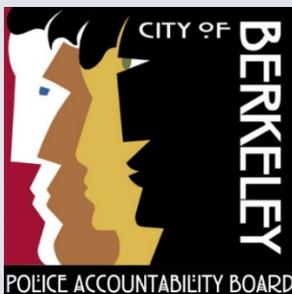


AMENDED MATERIAL

Refer to the materials for Item 9.c. for details on the amendments.



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA PACKET
Wednesday, March 5, 2025
6:30 PM**

Board Members

Joshua Cayetano (Chair)
Kitty Calavita

Leah Wilson (Vice-Chair)
Juliet Leftwich

David Williams

MEETING LOCATION

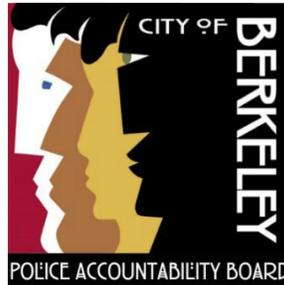
Office of the Director of Police Accountability
1900 Addison Street, Floor 3
Berkeley, CA 94704

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Item 2

March 5, 2025 PAB Regular Meeting Agenda



POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA
WEDNESDAY, MARCH 5, 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 **891 7458 9069**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized.

LAND ACKNOWLEDGMENT

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

AGENDA

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

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

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

- a. Minutes for the Regular Meeting of February 19, 2025

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

Announcements, updates, and other items.

- i. Recap of ODPA's "Honoring Black Voices, Advancing Justice" Community Visioning Session
- ii. February 2025 City of Berkeley Police Accountability Newsletter

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 (1 HOUR 15 MINUTES)

- a. 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. Identification of Agreements for Review
- b. Discussion and action on the restructuring of the PAB's existing subcommittee's (Cayetano) – (15 Minutes)
- c. Discussion and action on a resolution recognizing the following former Board Members for their service and contributions to the PAB (ODPA) - (10 Minutes):
 - i. Michael Chang
 - ii. Nathan Mizell
 - iii. Ismail Ramsey
 - iv. Deborah Levine
 - v. Cheryl Owens
- d. Discussion and action on a resolution calling for the Designation of April 17 as Police Accountability Day (ODPA) - (5 Minutes)
- e. Discussion and action on the Berkeley Police Department's 2024 Police Equipment and Community Safety Report pursuant to Chapter 2.100.050 of the Berkeley Municipal Code (ODPA) – (15 Minutes)
- f. Recap, discussion, and action on the next steps after the PAB's presentation to the Public Safety Policy Committee (Cayetano) – (15 Minutes):

- i. Berkeley Police Department Texting Offences: An Independent Investigation by the Police Accountability Board
- ii. Fair and Impartial Policing Implementation Report

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-0003 |
| ii. 2024-CI-0003 | xi. 2025-CI-0004 |
| iii. 2024-CI-0004 | xii. 2025-CI-0005 |
| iv. 2024-CI-0009 | xiii. 2025-CI-0006 |
| v. 2024-CI-0025 | xiv. 2025-CI-0007 |
| vi. 2024-CI-0045 | xv. 2025-CI-0008 |
| vii. 2024-CI-0046 | xvi. 2025-CI-0009 |
| viii. 2025-CI-0001 | xvii. 2025-CI-0010 |
| ix. 2025-CI-0002 | xviii. 2025-CI-0011 |

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

Minutes for the Regular Meeting of February 19, 2025



POLICE ACCOUNTABILITY BOARD
REGULAR MEETING MINUTES

WEDNESDAY, FEBRUARY 19, 2025
6:30 P.M.

Board Members

Joshua Cayetano (Chair)
Kitty Calavita

Leah Wilson (Vice-Chair)
Juliet Leftwich

David Williams

Meeting Recording: <https://youtu.be/9jOYSyLtZc0>

Minutes

1. CALL TO ORDER AND ROLL CALL AT 6:30 PM

Present: Board Member Joshua Cayetano (Chair)
Board Member Leah Wilson (Vice Chair)¹
Board Member Kitty Calavita
Board Member Juliet Leftwich

Absent: Board Member David Williams

ODPA Staff: Hansel Aguilar, Director of Police Accountability
Jason Wechter, Investigator
Syed Mehdi, Data Analyst
Jose Murillo, Policy Analyst
Nyia Grissam, Administrative Analyst

BPD Staff: Chief Louis

Lieutenant Rego

CAO Staff: DCA Ashley Madagu

CMO Staff: Dr. Carianna Arredondo, Assistant to the City Manager

¹ Board Member Wilson participating remotely on a just cause provision while she travels on official business of another state or local agency.

2. APPROVAL OF AGENDA

Motion to table Item 9.e. to the next regular meeting and approve the agenda

Moved/Second (Cayetano/Leftwich) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, and Wilson

Noes: None. Abstain: None. Absent: Williams

Item 9.e. was tabled to allow the PAB to discuss it at the next regular meeting when all appointed members are present.

Motion to swap Items 9.a. and 9.b., making the presentation of Policy Complaint 2025-PR-0001 the first item under discussion and action.

Moved/Second (Calavita/Leftwich) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, and Wilson

Noes: None. Abstain: None. Absent: Williams

3. PUBLIC COMMENT

Physically Present Speaker(s): 4

Virtually Present Speaker(s): 0

4. APPROVAL OF MINUTES (5 MINUTES)

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

Motion to approve the Minutes for the Special Meeting of February 1, 2025.

Moved/Second (Leftwich/Calavita) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, and Wilson

Noes: None. Abstain: None. Absent: Williams

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

Motion to approve the Minutes for the Regular Meeting of February 5, 2025

Moved/Second (Leftwich/Calavita) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, and Wilson

Noes: None. Abstain: None. Absent: Williams

5. ODPa STAFF REPORT (10 MINUTES)

Director Aguilar provides updates on the ODPa's Policy Review Focus Groups, the upcoming Community Visioning Session², and the ODPa's request for Chief Investigator

² Event Details for "Honoring Black Voices, Advancing Justice: Community Visioning Session:"

<https://berkeleyca.gov/community-recreation/events/honoring-black-voices-advancing-justice-community-visioning-session>

and Deputy Director classifications. Dr. Arredondo discusses the City's gun violence intervention program and addresses concerns about the Specialized Care Unit raised during public comment. Investigator Wechter shares details about an upcoming NACOLE training webinar³.

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

There have been no updates from the Chair or Board members since the February 5, 2025, regular meeting.

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

Chief Louis provides updates on crime and notable cases, community engagement and department events, staffing, training, and other relevant matters.

8. SUBCOMMITTEE REPORTS (10 MINUTES)

The PAB subcommittees reported on their activities.

9. DISCUSSION AND ACTION ITEMS

- a. 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)⁴ – (15 Minutes)

ODPA staff presented the policy review to the PAB, who asked questions of the staff. The complainant and three members of the public provided public comment in support of accepting the review.

Motion to accept Policy Complaint 2025-PR-0001 and assign its review to Board Member Calavita, with support from ODPA staff.

Moved/Second (Calavita/Cayetano) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, and Wilson.

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

- b. Discussion and action on the Policy Subcommittee's recommendations regarding BPD Policy 307 "Vehicle Pursuits" (Policy Review Subcommittee)⁵ – (20 Minutes)

Motion to accept the Policy Review Subcommittee's recommendations and forward them to the City Manager and City Council, with staff support.

Moved/Second (Wilson/Leftwich) Motion carried.

³ NACOLE Webinar "Digital Video Evidence: Identifying Technical Challenges and Limitations:"

https://www.nacole.org/2025_nacole_webinar_series_february

⁴ The item is listed as Item 9.b. on the agenda; however, by motion of the PAB, it was moved to Item 9.a.

⁵ The item is listed as Item 9.a. on the agenda; however, by motion of the PAB, it was moved to Item 9.b.

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

- 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

Motion to accept the resolutions recognizing Alexander Mozes, John "Chip" Moore, Brent Blackaby, and Regina Harris for their service and contributions to the PAB.

Moved/Second (Leftwich/Calavita) Motion carried.

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

- d. Review of the PAB's training materials and ongoing education resources (Cayetano) – (10 Minutes)

Motion to accept the recommended PAB training materials and ongoing education resources, with the request to include a note on the 40-hour training requirement and add a recommended reading list.

Moved/Second (Calavita/Leftwich) Motion carried.

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

- 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

Item 9.e. was tabled to allow the PAB to discuss it at the next regular meeting when all appointed members are present.

10. PUBLIC COMMENT (TBD)

Physically Present Speaker(s): 2

Virtually Present Speaker(s): 0

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:

Director Aguilar presented two cases to the PAB: ODPa Complaint number 2024-CI-0031 and ODPa Complaint number 2025-CI-0010. The following motions were made by the PAB:

Motion to accept recommendation 6 in ODPa Complaint number 2024-CI-0032.

Moved/Second (Calavita/Leftwich) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, and Wilson.

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

Motion to accept recommendation 3 in ODPa Complaint number 2024-CI-0032.

Moved/Second (Calavita/Wilson) Motion carried.

Ayes: Calavita, Cayetano, and Wilson.

Noes: Leftwich Abstain: None. Absent: Williams.

Motion to accept recommendation 4 in ODPa Complaint number 2024-CI-0032.

Moved/Second (Calavita/Leftwich) Motion carried.

Ayes: Calavita, Cayetano, and Wilson.

Noes: Leftwich Abstain: None. Absent: Williams.

Motion to accept recommendations 1, 2, and 5 in ODPa Complaint number 2024-CI-0032.

Moved/Second (Calavita/Leftwich) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, and Wilson.

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

No action was taken for ODPa Complaint Number 2025-CI-0010. The PAB will continue its discussion at its next regular meeting.

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

Chair Cayetano announces closed session actions.

13.ADJOURNMENT

Motion to adjourn. Moved/Second (Calavita/Leftwich). The meeting was adjourned at 9:38 PM by unanimous consent.

Minutes Approved on:

Hansel A. Aguilar, Commission Secretary:

DRAFT

Item 5

February 2025 City of Berkeley Police Accountability Newsletter

CITY OF BERKELEY POLICE ACCOUNTABILITY NEWSLETTER



THE POLICE ACCOUNTABILITY BOARD WAS CREATED TO PROMOTE PUBLIC TRUST THROUGH INDEPENDENT, OBJECTIVE, CIVILIAN OVERSIGHT OF THE BERKELEY POLICE DEPARTMENT.

PAB GOES BEFORE THE PUBLIC SAFETY COMMITTEE TO PRESENT THE LONG-AWAITED DOWNTOWN TASK FORCE AND FAIR AND IMPARTIAL POLICING REPORTS



In the photos above, Chair Joshua Cayetano (left) and Vice Chair Leah Wilson (right) present the findings of the Fair and Impartial Policing Report via Zoom. In the photo below, Director of Police Accountability, Hansel Aguilar (right) and DTF Committee Chair Kitty Calavita present the DTF in-person at the Public Safety Committee meeting. Photo Courtesy: City of Berkeley Zoom



The Berkeley Police Accountability Board (PAB) presented two critical reports to the City Council's Public Safety Committee on February 25, 2025. The first report examined the Downtown Task Force and Bike Unit texting offenses, which revealed racist and derogatory messages exchanged by Berkeley Police Department (BPD) officers. The second report assessed BPD's progress on Fair and Impartial Policing (FIP) since the City Council

adopted the Mayor's Working Group recommendations in 2021. The findings highlighted persistent racial disparities in stops and arrests and called for policy modifications, increased transparency, and targeted reforms to address systemic issues within BPD.

Watch the full presentation here: <https://youtu.be/ibRIUVFXIDE>

The reports can be accessed at:

https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2025-02-25%20Agenda%20Packet%20-%20Public%20Safety_0.pdf

MONTHLY HIGHLIGHTS

- PAB Presents DTF and FIP Reports to the Public Safety Committee
- ODPa Hosts Visioning Session
- Complaints down, Compliments up
- Upcoming trainings

CONTACT US

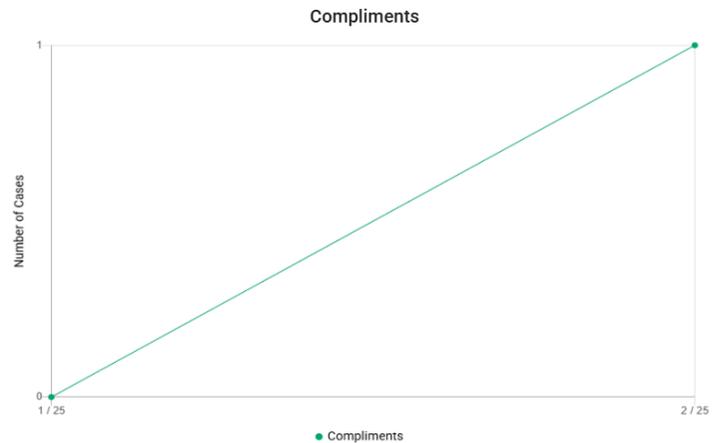
Phone: (510) 981-4950

Email: dpa@berkeleyca.gov

Mailing Address:

1900 Addison Street, Floor 3
Berkeley, CA 94704

IN FEBRUARY, ODPa RECEIVED FEWER COMPLAINTS THAN IN JANUARY BUT RECORDED AN INCREASE IN COMPLIMENTS HIGHLIGHTING NOTABLE POSITIVE POLICE INTERACTIONS.



To access our complaint portal visit: <https://berkeleyca.civiltech.com/>

ODPA HOSTS VISIONING SESSION CO-FACILITATED BY CITY OF BERKELEY DEI OFFICER REX BROWN AND POLICING EQUITY EXPERT CARLTON MAYERS



Carlton Mayers (left) and Officer Rex Brown (right) co-facilitating the Visioning Session in-person at the ODPa office. Photo Courtesy: ODPa

On February 26, 2025, the Office of the Director of Police Accountability (ODPA) hosted a Black History Month Community Visioning Session titled Honoring Black Voices, Advancing Justice, designed to foster dialogue on police accountability and community trust in Berkeley. The event, held in a hybrid format at the ODPa office and via Zoom, was facilitated by Rex Brown, Berkeley's DEI Officer, and Carlton T. Mayers II, Esq., a national public safety expert. The session began with opening remarks from Director of Police Accountability Hansel Aguilar, PAB Chair Joshua Cayetano,

emphasizing the historical and contemporary struggles of Black communities in police oversight and the importance of community engagement in shaping reforms.

Attendees engaged in interactive discussions and live polling, identifying barriers to police accountability key policy priorities, and strategies for, increasing community participation in oversight efforts. The facilitators synthesized key themes and emphasized the need for greater transparency, stronger investigative oversight, and improved communication between the community and ODPa. The session concluded with a commitment from ODPa and PAB leadership to integrate community feedback into future reforms, with follow-up engagement opportunities for attendees. The event recording can be accessed at: <https://youtu.be/rB1gdSfDChM>

POLICY AND SUBCOMMITTEE WORK UNDERWAY

Current status report of policies and subcommittees can be found at: <https://tinyurl.com/PABPolicy>

TRAINING AND WEBINARS

ODPA staff attended NACOLE's 2025 Webinar on Digital Video Evidence on February 21, covering technical challenges and training needs for forensic video analysis. Staff also joined PanelCompliance's February 19 webinar, ChatGPT for Excel Essentials, highlighting AI's growing role in Excel.

OUTREACH EFFORTS

Armed with insights from the Community Visioning Session, ODPa will refine its outreach plan to better align with community priorities and concerns. These modifications will incorporate direct community feedback and focus on maximizing engagement, accessibility, and impact throughout the year.

Item 5

ODPA Memorandum Titled "Recap of Community Visioning Session"



MEMORANDUM

Date: Friday, February 28, 2025
To: Honorable Members of the Police Accountability Board (PAB)
From: Hansel Aguilar, Director of Police Accountability (DPA) *HA*
Jose Murillo, ODPA Policy Analyst *JM*
Subject: Recap of Community Visioning Session

PURPOSE

This memorandum provides an update on ODPA's recent community engagement efforts, including the Black History Month Community Visioning Session, the Police Accountability Board's (PAB) presentation to the Public Safety Committee, and ongoing outreach initiatives.

BACKGROUND

Public Safety Committee Presentation & Carlton Mayers' Visit

On February 25, 2025, the Police Accountability Board (PAB) presented its reports on the Downtown Task Force (DTTF) texting offenses and Fair and Impartial Policing (FIP) to the City Council's Public Safety Committee. Carlton T. Mayers II, Esq., a national expert on policing and civilian oversight, attended the Public Safety Committee meeting to observe Berkeley's oversight process firsthand and inform his recommendations for the ODPA. Following the presentation, Carlton received a brief tour of the City of Berkeley, provided by DPA Hansel Aguilar, which included key locations related to the city's oversight efforts and community-police interactions.

On February 26, 2025, the Office of the Director of Police Accountability (ODPA) hosted a Black History Month Community Visioning Session titled *Honoring Black Voices, Advancing Justice*. The event provided a platform for community members, oversight leaders, and experts to discuss police accountability, identify barriers, and propose solutions.

Armed with insights from this session, ODPA will refine its outreach plan to better align with community priorities and concerns. These modifications will incorporate direct community feedback and focus on maximizing engagement, accessibility, and impact throughout the year. ODPA will integrate this feedback by expanding community

engagement efforts, refining public education initiatives, and increasing opportunities for direct dialogue with residents.

Community Support & Food Distribution Initiative

In line with ODPAs commitment to community engagement and service, staff packaged and distributed leftover food from the visioning session to unhoused community members residing in the Martin Luther King Jr. Civic Center Park area. Carlton Mayers joined ODPAs staff in this effort, reinforcing the importance of direct community engagement and holistic approaches to public safety.

ODPA remains committed to fostering meaningful dialogue, addressing systemic concerns, and ensuring public trust in civilian oversight. Further updates on outreach initiatives and policy recommendations will be provided in the coming months.

EVENT LINK AND ATTACHMENTS

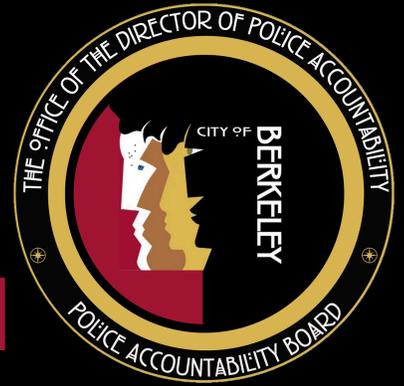
For further details on the Black History Month Community Visioning Session, please refer to the event link below: <https://youtu.be/rB1qdSfDChM>

The following documents are attached for reference:

- Event Flyer
- Event Packet
- Mentimeter Notes

EVENT 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



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



REX BROWN
DEI OFFICER FOR THE CITY OF
BERKELEY

TO REGISTER:

GO TO

<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>

EVENT PACKET



HONORING BLACK VOICES, ADVANCING JUSTICE: A COMMUNITY VISIONING SESSION

BLACK COMMUNITIES AND POLICE ACCOUNTABILITY: LESSONS
FROM THE PAST, ACTIONS FOR THE FUTURE

MODERATED BY: CARLTON MAYERS II & REX BROWN

WEDNESDAY, FEBRUARY 26TH, 6 PM - 8:30 PM



Carlton T. Mayers II

As the Founder, Owner, and CEO of Mayers Strategic Solutions, LLC, Carlton T. Mayers, II, Esq. works with communities nationwide to solve public safety challenges by using the Community Empowerment-Centered® Approach to identify, strategize, and implement long-term and positive change in practices, policies, and culture through the C.A.T. Method®, which stands for Community Empowerment, Accountability, & Transparency.

Mr. Mayers brings over 15 years of experience advocating for racial justice and criminal justice reform, which includes advancing policy reforms in more than 30 states and on Capitol Hill. He directed the National Criminal Justice Reform program at NAACP National Office. In this role, Mr. Mayers co-authored the NAACP report called “Born Suspect: Stop-And-Frisk Abuses & the Continued Fight to End Racial Profiling in America,” which was published in 2014 and provides the public with resources for ending racial profiling by state and local law enforcement.

Mr. Mayers also worked for NAACP Legal Defense and Educational Fund, Inc. in Washington, D.C. as Policy Counsel for the Policing Reform Campaign. In this role, he supported advocacy efforts in Ferguson, Missouri, Baltimore, Maryland, North Charleston, South Carolina, New York City, and on Capitol Hill during President Obama’s Administration. Additionally, he advocated for juvenile justice reform in Florida at Southern Poverty Law Center and advanced reentry reform in Illinois as the Senior Policy Manager of Criminal Justice Reform at Heartland Alliance.

Likewise, Mr. Mayers has been published multiple times in the Chicago Tribune and featured on BBC News as a national expert on public safety and policing reform. Indeed, in 2020 and 2021, he advised state lawmakers in Illinois, Wisconsin, Missouri, Indiana, and Maryland on policing reform legislation passed into law in 2021. Moreover, Mr. Mayers volunteers as the Criminal Justice Chair for the NAACP Chicago Westside Branch and, in this role, works on implementation of the Chicago Consent Decree.

Rex Brown



In his current role as City of Berkeley's inaugural Diversity, Equity & Inclusion Officer, Rex Brown champions the City's commitment to DEI efforts across the entire organization and the larger community. Rex will develop an anti-racist framework in partnership with the Government Alliance on Race and Equity (GARE), a project of Race Forward and the University of California, Berkeley's Othering and Belonging Institute.

Rex has extensive experience developing teams and creating results-based strategic frameworks with leaders at all levels to drive comprehensive enterprise-level transformations. As the Senior Director of Diversity at the largest state agency, Department of Social and Health Services, and Executive Administrator for the Governor's first Business Diversity Subcabinet — he built DEI initiatives as an inaugural and early-stage leader. Prior to his selection as City of Berkeley's Diversity, Equity & Inclusion Officer, Rex led the Seattle Human Services Department's Division of Safe and Thriving Communities focusing on social impact investments in Black and Indigenous People of Color (BIPOC) community safety and violence prevention.

Prior to this, Rex led the Washington Subcabinet on Business Diversity at the Office of Minority and Women's Business Enterprises (OMWBE). Rex has a Law Degree from Boston College Law School (BC Law) and a Bachelor of Arts & Sciences Degree with a double-major in English and Philosophy at Boston College.

Resources and Relevant Links

Police Accountability Board Reports

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

Office of the Director of Police Accountability LinkedIn

<https://www.linkedin.com/company/office-of-the-director-of-police-accountability/>

Policy Committee: Public Safety

<https://berkeleyca.gov/your-government/city-council/council-committees/policy-committee-public-safety>

Reimagining Public Safety Task Force Reports

<https://berkeleyca.gov/your-government/boards-commissions/reimagining-public-safety-task-force>

Boards & Commissions

<https://berkeleyca.gov/your-government/boards-commissions>

American Civil Liberties Union

<https://www.aclu.org/know-your-rights/stopped-by-police>

Mayers Strategic Solutions LLC

<https://www.mayersolutions.com/>

National Association for Civil Oversight of Law Enforcement (NACOLE)

<https://www.nacole.org>

Data on Crime, Calls for Service, Stops, and Use of Force

<https://berkeleyca.gov/safety-health/police/data-crime-calls-service-stops-and-use-force>

Police Review Project – Berkeley Law

<https://www.law.berkeley.edu/experiential/pro-bono-program/slps/current-slps-projects/police-review-project/>

How to file a complaint/compliment against (or in support of) a police officer:

Concerning Berkeley Police Department (BPD)

Complaint:

<https://berkeleyca.gov/safety-health/police-accountability/file-complaint-against-berkeley-police-officer>

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

Compliment:

<https://berkeleyca.siviltech.com/>

Concerning BART Police

Complaint:

<https://www.bart.gov/about/policeauditor>

Concerning Oakland Police Department (OPD)

Complaint:

<https://www.oaklandca.gov/departments/community-police-review-agency>

Compliment:

<https://www.oaklandca.gov/services/send-a-compliment-to-an-opd-officer-or-employee>

Concerning University of California - Berkeley Police Department (UCPD)

Complaint:

<https://ucpd.berkeley.edu/feedback/file-complaint>

{Concerning any department through the State process} Commission on
Peace Officer Standards and Training (POST)

Complaint:

<https://post.ca.gov/public-complaints>

MENTIMETER NOTES

What have you experienced as a barrier to police accountability?

8 responses



power issues
pol voters
fearful
no availability
resistance to change
police
police unions



What are actionable solutions (including policies that should be prioritized to enhance police accountability)?

9 responses



more listening by city
trainings
rotate to other cities
prehiring psychological a
participate in council and
psych evaluations for bpd
less use of force
council doesnt hear
cultural competence class



What are actionable solutions (including policies that should be prioritized to enhance police accountability)?

9 responses



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Item 8

PAB Subcommittee List



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	Chief Louis
<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	Unassigned⁸
2024-PR-0003	Unassigned⁹

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.

ODPA Memorandum Titled “Overview of the Mutual Aid Agreement
Process”



MEMORANDUM

Date: February 26, 2025
To: Honorable Members of the Police Accountability Board (PAB)
From: Hansel A. Aguilar, Director of Police Accountability (DPA) *HA*
Jose D. Murillo, ODPAA Policy Analyst *JM*
Subject: Overview of the Mutual Aid Agreement Process

The purpose of this memorandum is to provide an overview of the Berkeley Police Department's Mutual Aid Agreement implementation process.

Background:

California's Law Enforcement Mutual Aid Plan¹ was developed in the early 1950s and formally enacted into law in 1970 as part of the California Government Code. The plan establishes a framework for cooperation between law enforcement agencies across jurisdictions to provide assistance during emergencies, large-scale incidents, or other situations requiring additional resources. Its legal authority is derived from Government Code Sections 8550², 8569³, 8616⁴, and 8668⁵, which grant the state the power to coordinate mutual aid efforts among local agencies.

At the local level, the Berkeley City Council grants the Berkeley Police Department (BPD) the authority to participate in mutual aid agreements in accordance with Berkeley Municipal Code Sections 2.04.150 – 2.04.210.⁶ These provisions outline the city's role in both requesting and providing law enforcement support under the mutual aid system.

¹ California Law Enforcement Mutual Aid Plan: https://www.caloes.ca.gov/wp-content/uploads/Law-Enforcement/Documents/Blue-Book_Law-Enforcement-Mutual-Aid-Plan.pdf

² Government Code Sections 8550: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=8550

³ Government Code Sections 8569: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=8569

⁴ Government Code Sections 8616: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=8616

⁵ Government Code Sections 8668: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=8668

⁶ Berkeley Municipal Code Section 2.04.150 – 2.04.210: <https://berkeley.municipal.codes/BMC/2.04.150>

The operational details of mutual aid agreements involving BPD are documented in a compendium titled "Agreements, Understandings, and Policies Existing between the Berkeley Police Department and Other Law Enforcement Agencies."⁷ This document contains the specific terms, conditions, and policies governing BPD's cooperation with external law enforcement agencies. BPD Officers are provided guidance on requesting or responding to a request for mutual aid via BPD Policy 327 "Mutual Aid and Outside Agency Assistance."⁸

Mutual Aid Agreement Process

The Berkeley Municipal Code (BMC) Sections 2.04.150 – 2.04.210 establish the process for approving and renewing agreements between the Berkeley Police Department (BPD) and external law enforcement or security agencies.

The process begins with public disclosure and City Council approval before any agreement can take effect. BPD must present all agreements in writing, along with a rationale, cost projections, and any requested supporting information.⁹ The City Council then holds a public hearing, announced at least ten days in advance, where community members can review documents and provide input.¹⁰ The Police Chief is required to attend to answer questions and provide additional details.

Once approved, agreements remain valid for one year and must go through the same public review and approval process for renewal.¹¹ Copies of all agreements are filed with the City Clerk and made publicly available.¹² The City Council has the authority to interpret and determine the applicability of these requirements to any agreement.¹³

⁷ BPD Agreements, Understandings, and Policies Existing between the Berkeley Police Department and Other Law Enforcement Agencies: <https://acrobat.adobe.com/link/review?uri=urn%3Aaaid%3Aascds%3AUS%3A3a637aa7-7359-45a1-81ed-dee245c93f83>

⁸ BPD Policy 327 "Mutual Aid and Outside Agency Assistance": https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=240

⁹ BMC Section 2.04.150: <https://berkeley.municipal.codes/BMC/2.04.150>

¹⁰ BMC Section 2.04.170: <https://berkeley.municipal.codes/BMC/2.04.170>

¹¹ BMC Section 2.04.190: <https://berkeley.municipal.codes/BMC/2.04.190>

¹² BMC Section 2.04.200: <https://berkeley.municipal.codes/BMC/2.04.200>

¹³ BMC Section 2.04.210: <https://berkeley.municipal.codes/BMC/2.04.210>

CITY COUNCIL REVIEW / APPROVAL BINDER

**BERKELEY POLICE DEPARTMENT
 AGREEMENTS, LETTERS AND UNDERSTANDINGS RE
 MUTUAL AID, INFORMATION SHARING AND COOPERATION
 WITH OTHER LAW ENFORCEMENT, MILITARY ENTITIES, AND
 PRIVATE SECURITY ORGANIZATIONS
 (Berkeley Municipal Code §2.04)**

Item #	3.1
Title:	FEDERAL: DEPARTMENT OF HOMELAND SECURITY, U.S. CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)
Type:	General understanding
Approvals:	Initial: March 12, 1974 / Current: March 14, 2017
Summary:	The USCIS coordinates and monitors the entry and stay of non-citizen persons into the United States. The Police Department occasionally requests the assistance of USCIS to locate non-citizen persons who are suspects in criminal matters or for whom arrest warrants have been issued.
Rationale:	The USCIS maintains esoteric information not immediately available, but potentially valuable to, the Police Department and its bona fide criminal investigations. Maintaining effective professional relationships promotes public safety and serves the law enforcement mission. The Police Department complies with all Council Resolutions regarding the immigration status of its prisoners and detainees.
Cost:	If Approved: Cost will be neutral. Approval will continue to support current law enforcement activity, funded in existing budget. If Not Approved: Effect on cost cannot be calculated. Reduced cooperation may increase criminal conduct, and create a "harbor" for offenders in our city limits. Additional investigative and enforcement costs would be borne by Police Department.
Recommendation:	Continued approval

CITY COUNCIL REVIEW / APPROVAL BINDER

**BERKELEY POLICE DEPARTMENT
 AGREEMENTS, LETTERS AND UNDERSTANDINGS RE
 MUTUAL AID, INFORMATION SHARING AND COOPERATION
 WITH OTHER LAW ENFORCEMENT, MILITARY ENTITIES, AND
 PRIVATE SECURITY ORGANIZATIONS
 (Berkeley Municipal Code §2.04)**

Item #	3.3
Title:	FEDERAL: DEPARTMENT OF HOMELAND SECURITY, U.S. CUSTOMS AND BORDER PROTECTION (USCBP)
Type:	General understanding
Approvals:	Initial: March 12, 1974 / Current: March 14, 2017
Summary:	The USCBP has primary jurisdiction over the illegal importation of contraband into the United States. In particular, the USCBP is integral in the interdiction of narcotic smuggling. The Police Department may request assistance from and cooperate with USCBP regarding narcotic or contraband smuggling activities as they affect the City of Berkeley.
Rationale:	Maintaining effective professional relationships promotes public safety and serves the law enforcement mission. Cooperation with USCBP ensures availability of effective resources and information that could prove invaluable vis-a-vis a local narcotic or smuggling investigation.
Cost:	If Approved: Cost will be neutral. Approval will continue to support current law enforcement activity, funded in existing budget If Not Approved: Effect on cost cannot be calculated. Reduced cooperation would increase the burden of enforcement and related activity, costs which would be borne by Police Department.
Recommendation:	Continued approval

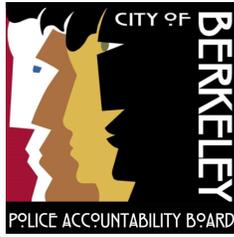
CITY COUNCIL REVIEW / APPROVAL BINDER

**BERKELEY POLICE DEPARTMENT
 AGREEMENTS, LETTERS AND UNDERSTANDINGS RE
 MUTUAL AID, INFORMATION SHARING AND COOPERATION
 WITH OTHER LAW ENFORCEMENT, MILITARY ENTITIES, AND
 PRIVATE SECURITY ORGANIZATIONS
 (Berkeley Municipal Code §2.04)**

Item #	3.4
Title:	FEDERAL: DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATIONS AND CUSTOMS ENFORCEMENT (USICE)
Type:	General understanding, local ordinance prohibitions
Approvals:	Initial: April 20, 2010 / Current: March 14, 2017
Summary:	<p>The USICE enforces federal immigration and customs-related laws. They assist State and local law enforcement in the location of non-citizen violent offenders who have fled the United States to evade arrest and prosecution.</p> <p>Council Resolution No 44,784-NS (1971) designated Berkeley as a City of Refuge. Resolution No 63,711 reaffirmed this designation in 2007. The 2007 Resolution prohibits the use of City resources in support of USICE immigration investigations, and precludes the inquiry or sharing of a person's immigration status.</p> <p>With regard to the prohibitions of Resolution No 63,711, the Police Department may request investigative assistance from USICE to support state and local criminal investigations. The Police Department may, upon USICE request, provide "professional courtesy" stand-by security service at the location of a USICE investigation for the sole purpose of ensuring public and officer safety. Police Department will provide emergency life-safety assistance, and may investigate State/local crimes (e.g. an officer involved shooting) occurring in association with a USICE operation. No other administrative, logistical, or enforcement service is provided in support of a USICE immigration investigation/enforcement action.</p> <p>Chief Amberton codified these directives in Department policy via written communication to management staff on January 30, 2008.</p>
Rationale:	Within the structure of local Resolution, maintaining a relationship with USICE is appropriate when investigating non-immigration local criminal cases in which the suspect is a non-citizen.
Cost:	<p>If Approved: Cost will be neutral. Approval will continue to support current law enforcement activity, funded in existing budget.</p> <p>If Not Approved: Effect on cost cannot be calculated. Reduced cooperation would increase the burden of enforcement and related activity; costs would be borne by the Police Department</p>
Recommendation:	Continued approval

Item 9.c.

Resolutions Recognizing Former Board Members for their Service and
Contributions to the PAB



RESOLUTION NO. [2025-0005]

RESOLUTION OF THE POLICE ACCOUNTABILITY BOARD AND THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY OF THE CITY OF BERKELEY THANKING MICHAEL CHANG 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, Michael Chang served on the PAB from July 1, 2021 to September 14, 2022 and provided dedicated service to the mission of civilian oversight and police accountability in Berkeley; and

WHEREAS, during his tenure, Michael Chang served as the first Vice Chair and later became the second Chair of the PAB demonstrating exemplary leadership and commitment to the Board's work; and

WHEREAS, Michael Chang served on the initial iterations of the PAB's Regulations Subcommittee, contributing to the development of permanent regulations for handling complaints against sworn officers of the department; and

WHEREAS, Michael Chang stepped down from the PAB to continue his public service as Vice President of the Berkeley Board of Education;

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 Michael Chang 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 Michael Chang for his leadership, advocacy, and dedication to advancing police accountability and community trust.

BE IT FURTHER RESOLVED, this resolution be presented to Michael Chang 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 NO. [2025-0005]

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



Amendment made to revise the term end date from November 9, 2022, to December 7, 2022.

RESOLUTION NO. [2025-0006]

RESOLUTION OF THE POLICE ACCOUNTABILITY BOARD AND THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY OF THE CITY OF BERKELEY THANKING NATHAN MIZELL 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, Nathan Mizell served on the PAB from June 30, 2021 to December 7, 2022 and provided dedicated service to the mission of civilian oversight and police accountability in Berkeley; and

WHEREAS, during his tenure, Nathan Mizell demonstrated his leadership as Vice Chair of the PAB where he played a crucial role in guiding discussions, facilitating meetings, and strengthening the Board's decision-making processes; and

WHEREAS, Nathan Mizell served on the PAB's Director Search Subcommittee, Fixed Surveillance Camera Policy Subcommittee, and Chief of Police Selection Process Subcommittee;

WHEREAS, Nathan Mizell stepped down from the PAB to serve on the Berkeley Rent Board;

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 Nathan Mizell 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 Nathan Mizell for his leadership, advocacy, and dedication to advancing police accountability and community trust.

BE IT FURTHER RESOLVED, this resolution be presented to Nathan Mizell 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 NO. [2025-0006]

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. [2025-0007]

RESOLUTION OF THE POLICE ACCOUNTABILITY BOARD AND THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY OF THE CITY OF BERKELEY THANKING ISMAIL RAMSEY 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, Ismail Ramsey served on the Berkeley Police Review Commission; and

WHEREAS, Ismail Ramsey served on the PAB from June 10, 2021 to March 8, 2023 and provided dedicated service to the mission of civilian oversight and police accountability in Berkeley; and

WHEREAS, during his tenure, Ismail Ramsey served as the inaugural Chair of the PAB, guiding the Board and the Office of the Director of Police Accountability through a crucial developmental phase; and

WHEREAS, Ismail Ramsey served on the PAB's Fair and Impartial Policing Implementation Subcommittee, Fixed Surveillance Camera Policy Subcommittee, and Controlled Equipment Use & Reporting Subcommittee, making meaningful contributions to their work; and

WHEREAS, Ismail Ramsey stepped down from the PAB to serve as U.S. Attorney for the Northern District of California, where he quickly made a significant impact in ensuring the safety of our Berkeley community and the broader region;

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 Ismail Ramsey 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 Ismail Ramsey for his leadership, advocacy, and dedication to advancing police accountability and community trust.

BE IT FURTHER RESOLVED, this resolution be presented to Ismail Ramsey 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 NO. [2025-0007]

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.

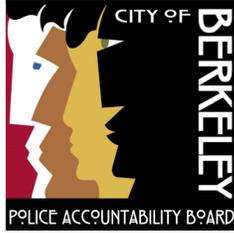
Date: _____

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. [2025-0008]

RESOLUTION OF THE POLICE ACCOUNTABILITY BOARD AND THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY OF THE CITY OF BERKELEY THANKING DEBORAH LEVINE 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, Deborah Levine served on the PAB from June 16, 2021 to May 10, 2023 and provided dedicated service to the mission of civilian oversight and police accountability in Berkeley; and

WHEREAS, during her tenure, Deborah Levine brought her expertise as a Criminal Law Attorney to the PAB, offering valuable insights that enriched the PAB's work; and

WHEREAS, Deborah Levine served on the PAB's Director Search Subcommittee, Mental Health Response Subcommittee, Drone Use Policy Subcommittee, Body-Worn Camera Policy Subcommittee, Conflict of Interest Subcommittee, and Chief of Police Selection Process Subcommittee; and

WHEREAS, Deborah Levine stepped down from the PAB upon the completion of her term;

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 Deborah Levine for her 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 Deborah Levine for her leadership, advocacy, and dedication to advancing police accountability and community trust.

BE IT FURTHER RESOLVED, this resolution be presented to Deborah Levine 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 NO. [2025-0008]

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.

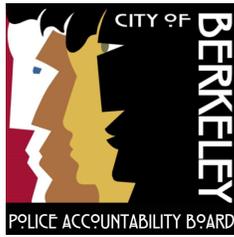
Date: _____

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. [2025-0009]

RESOLUTION OF THE POLICE ACCOUNTABILITY BOARD AND THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY OF THE CITY OF BERKELEY THANKING CHERYL OWENS 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, Cheryl Owens served on the PAB from June 10, 2021 to March 10, 2023 and provided dedicated service to the mission of civilian oversight and police accountability in Berkeley; and

WHEREAS, during her tenure, Cheryl Owens served as the first subcommittee chair of Policy and Practices Subcommittee related to the Downtown Task Force and Bike Unit Allegations, establishing a crucial foundation for the subcommittee's work; and

WHEREAS, Cheryl Owens served on the Regulations Subcommittee, Fair and Impartial Policing Implementation Subcommittee, and the Policy and Practices Subcommittee related to the Downtown Task Force and Bike Unit Allegations; and

WHEREAS, Cheryl Owens brought her extensive experience as a civilian police career employee to the PAB, providing a unique perspective rooted in the City Charter and promoting collaboration among stakeholders; and

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 Cheryl Owens for her 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 Cheryl Owens for her leadership, advocacy, and dedication to advancing police accountability and community trust.

BE IT FURTHER RESOLVED, this resolution be presented to Cheryl Owens 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 NO. [2025-0009]

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

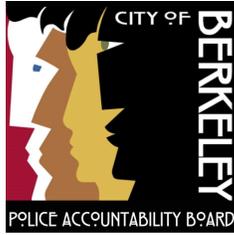
I, Hansel A. Aguilar, witnessed the signing of this document and can confirm that the signature, whether physical or electronic, belongs to Joshua Cayetano. I have signed this document below as a witness to the signing.

Date: _____

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

Item 9.d.

Resolution Calling for the Designation of April 17 as Police Accountability
Day



RESOLUTION NO. [2025-0010]

RESOLUTION CALLING FOR THE DESIGNATION OF APRIL 17 AS POLICE ACCOUNTABILITY DAY

WHEREAS, on April 17, 1973, the City of Berkeley established the Police Review Commission (PRC) through Ordinance No. 4644-N.S., becoming a pioneer in civilian oversight of law enforcement; and

WHEREAS, the founding of the PRC marked a historic commitment by the City of Berkeley to ensure transparency, accountability, and community trust in policing practices; and

WHEREAS, in November 2020, Berkeley voters overwhelmingly approved Measure II, which replaced the PRC with the Police Accountability Board (PAB) and the Office of the Director of Police Accountability (ODPA) to enhance oversight powers, increase transparency, and strengthen the City's commitment to police accountability; and

WHEREAS, Measure II established the PAB and ODPA as integral components of a modern and robust civilian oversight framework, ensuring continued dedication to the principles of fairness, equity, and justice in law enforcement oversight; and

WHEREAS, civilian oversight of law enforcement continues to play an essential role in promoting procedural justice, protecting civil rights, and enhancing public safety; and

WHEREAS, recognizing April 17 as Police Accountability Day would serve as an opportunity for the community to reflect on the progress made in police accountability, honor the work of civilian oversight bodies, and reaffirm the City's commitment to equitable and just law enforcement practices; and

WHEREAS, the designation of Police Accountability Day would also underscore the importance of police accountability as a cornerstone of democracy, community trust, and public safety both locally and nationwide;

NOW, THEREFORE, BE IT RESOLVED, that the Police Accountability Board and the Office of the Director of Police Accountability urge the Berkeley City Council to designate April 17 as Police Accountability Day; and

BE IT FURTHER RESOLVED, that this day shall be commemorated annually to highlight the importance of civilian oversight, community engagement, and the continuous pursuit of fairness and justice in law enforcement; and

RESOLUTION NO. [2025-0010]

BE IT FURTHER RESOLVED, that the PAB and ODPa will collaborate with community organizations, educational institutions, and local leaders to host events, discussions, and activities to educate and engage the public on police accountability and the legacy of the Police Review Commission; and

BE IT FINALLY RESOLVED, that the City of Berkeley reaffirms its commitment to being a national leader in police accountability and to advancing policies and practices that uphold the principles of justice, transparency, and community trust.

Adopted on: _____

RESOLUTION NO. [2025-0010]

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. [2025-0010]

[FOR COUNCIL]

Resolution of the Berkeley City Council Designating April 17 as Police Accountability Day

WHEREAS, the City of Berkeley has a longstanding tradition of leadership in civilian oversight of law enforcement, exemplified by the establishment of the Police Review Commission (PRC) on April 17, 1973, through Ordinance No. 4644-N.S.; and

WHEREAS, the founding of the PRC was a groundbreaking step towards transparency, accountability, and community trust in policing practices, setting a national example for civilian oversight; and

WHEREAS, in November 2020, Berkeley voters approved Measure II, which replaced the PRC with the Police Accountability Board (PAB) and the Office of the Director of Police Accountability (ODPA) to strengthen oversight powers, modernize practices, and reaffirm the City's commitment to equitable law enforcement oversight; and

WHEREAS, Measure II represents a significant evolution in the City's approach to police accountability, ensuring that the principles of justice, transparency, and fairness remain at the forefront of law enforcement practices; and

WHEREAS, civilian oversight of law enforcement plays a critical role in promoting procedural justice, protecting civil rights, and enhancing public safety, both locally and across the nation; and

WHEREAS, designating April 17 as Police Accountability Day will provide an annual opportunity to reflect on Berkeley's leadership in police oversight, honor the contributions of the PRC, PAB, and ODPA, and engage the community in discussions and actions that strengthen trust and accountability in policing; and

WHEREAS, the recognition of Police Accountability Day underscores the importance of ongoing efforts to advance equitable and just policing practices, fostering stronger relationships between law enforcement and the communities they serve;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Berkeley hereby designates April 17 as Police Accountability Day to commemorate the founding of the Police Review Commission and to celebrate the City's continued commitment to police accountability and transparency; and

BE IT FURTHER RESOLVED, that the City Council encourages the Police Accountability Board and the Office of the Director of Police Accountability to collaborate with community organizations, educational institutions, and local leaders to host events, educational programs, and activities that promote public awareness and engagement on issues of police accountability; and

BE IT FINALLY RESOLVED, that the City of Berkeley reaffirms its dedication to being a national leader in police accountability, advancing policies and practices that reflect the values of justice, equity, and community trust.

Item 9.e.

Berkeley Police Department's 2024 Police Equipment and Community
Safety Report and Other Materials



MEMORANDUM

Date: Friday, February 28, 2025
To: Honorable Members of the Police Accountability Board (PAB)
From: Hansel Aguilar, Director of Police Accountability (DPA) *HA*
Jose Murillo, ODPa Policy Analyst *JM*
Subject: Berkeley Police Department's Police Equipment and Community Safety Ordinance 2024 Annual Report

PURPOSE

The Office of the Director of Police Accountability (ODPA) received the Police Equipment and Community Safety Ordinance 2024 Annual Report (hereafter '2024 Report') from Chief Jennifer Louis on February 27, 2025. At the time of production of this memorandum, the ODPa staff has been unable to conduct a substantive review of the report. Instead, this initial memorandum provides a review of the PAB duties concerning the 2024 Report and the previous recommendations regarding potential methodologies the PAB may adopt in its review to determine whether each piece of Controlled Equipment reported on has complied with the standards for approval set forth in Section 2.100.040.

BACKGROUND:

In May 2021, the Berkeley City Council approved the Police Equipment and Community Safety Ordinance (Ordinance No. 7,760-N.S.), which requires the Berkeley Police Department to provide an annual report on the deployment of specific equipment. The report is to be reviewed by the Police Accountability Board (PAB), which will assess compliance with the relevant approval standards set forth by BMC Section 2.100.040¹. If any equipment is found to be non-compliant with the standards set forth by BMC 2.100.040, the PAB "*shall recommend revocation of the authorization for that piece of Controlled Equipment or modify the Controlled Equipment Use Policy in a manner that will resolve the lack of compliance. Recommendations for revocations shall be forwarded to City Council in accordance with the approval process in Section 2.100.040.*" The PAB shall make these determinations based on the content of the report.

BMC Section 2.100.050(A)(1)(a) – 2.100.050(A)(1)(e)² provides minimum reporting requirements for the use of Controlled Equipment. Those reporting requirements are the following:

¹ BMC 2.100.040: <https://berkeley.municipal.codes/BMC/2.100.040>

² BMC 2.100.050: <https://berkeley.municipal.codes/BMC/2.100.050>

- a. Production descriptions for Controlled Equipment and inventory numbers of each product in the Police Department’s possession.
- b. A summary of how Controlled Equipment was used. For the purposes of annual reports, "use" of equipment shall refer to equipment that is Deployed, not to transfers of location or placement of equipment inside Department vehicles.
- c. If applicable, a breakdown of where Controlled Equipment was used geographically by individual police area. For each police area, the Police Department shall report the number of days or instances in which Controlled Equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization.
- d. A summary of any complaints or concerns received concerning Controlled Equipment.
- e. The results of any internal audits, any information about violations of Controlled Equipment Use Policies, and any actions taken in response.

The PAB shall make recommendations based on compliance with the standards outlined in this ordinance.

POTENTIAL METHODOLOGICAL APPROACHES³:

APPROACH/ METHOD	PROS	CONS
Full Review of Each Incident (deployed/use d) =64 cases	<ul style="list-style-type: none"> • Can assist with a more thorough assessment of compliance beyond the summary narrative for all incidents • External/independent review can augment the validity of the BPD review 	<ul style="list-style-type: none"> • Time-consuming • Resource extensive
Full Review of Each Incident where equipment was “used” = 12 cases	<ul style="list-style-type: none"> • A focused review can ensure resources/time are maximized • External/independent review can augment the validity of the BPD review 	<ul style="list-style-type: none"> • (Depending on exhibits) Time-consuming • (Depending on exhibits) Resource extensive
Random and or purposive sampling/ selection of Deployed/Use Cases (1/4) = 16 cases	<ul style="list-style-type: none"> • Ensures review of both deployed and used cases • A focused review can ensure resources/time are maximized • External/independent review can augment the validity of the BPD review 	<ul style="list-style-type: none"> • (Depending on exhibits) Time-consuming • (Depending on exhibits) Resource extensive

³ ODPa Memorandum titled “Berkeley Police Department’s Police Equipment and Community Safety Ordinance 2023 Annual Report”: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2024-02-28%20PAB%20Supplemental%20Packet%201.pdf>

2024 Police Equipment and Community Safety Ordinance Annual Report

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Ordinance Background and Objectives

On May 11, 2021 the Berkeley City Council passed Ordinance NO. 7,760-N.S., the Police Equipment and Community Safety Ordinance. Section 2.100.050 of the ordinance mandates an annual report for the deployment of specific equipment the Berkeley Police Department possesses.

The annual report on the controlled equipment shall contain the following information per Ordinance NO. 7,760N.S.:

- (a) Product descriptions for controlled equipment and inventory numbers of each product in the Police Department's possession.
- (b) A summary of how controlled equipment was used. For the purposes of annual reports, "use" of equipment shall refer to equipment that is Deployed, not to transfers of location or placement of equipment inside Department vehicles.
- (c) If applicable, a breakdown of where Controlled Equipment was used geographically by individual police areas. For each police area, the Police Department shall report the number of days or instances in which Controlled Equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization.
- (d) A summary of any complaints or concerns received concerning Controlled Equipment.
- (e) The results of any internal audits, any information about violations of Controlled Equipment Use Policies, and any actions taken in response.

Section 2.100.020 (D) defines deployment as "to utilize or employ Controlled Equipment for a deliberate purpose in the presence of members of the public during management or control of crowds, during any Special Response Team deployment, or to affect some response from members of the public during any other operation or critical response. 'Deployed' does not mean an officer merely wearing a piece of Controlled Equipment on their belt or elsewhere on their person." In other words, deployment refers to the visible display of equipment intended to prompt a public response. The equipment need not be actively used (for example, a less-lethal projectile does not have to be fired and strike a suspect) for the deployment to be recorded. The table on page 5 of this report reflects both deployments and equipment utilization, as required by the ordinance.

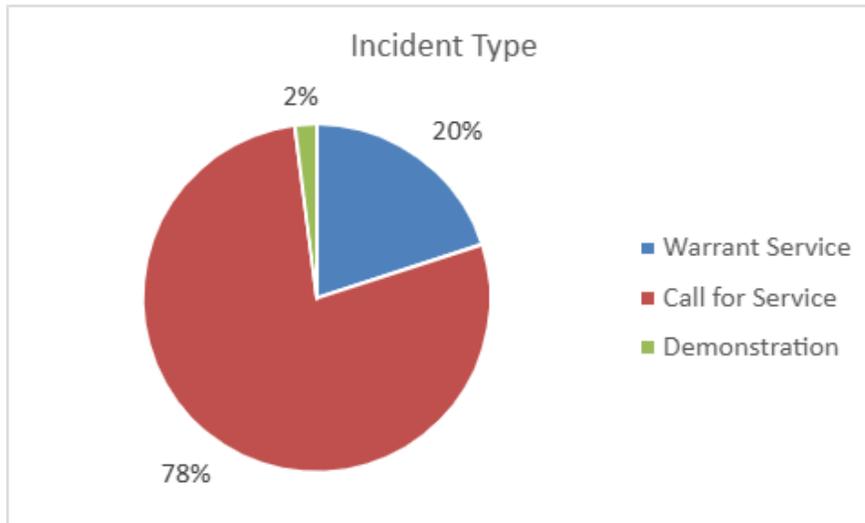
The Blue Team and Equipment Ordinance systems record all equipment utilizations and deployments, allowing the Police Department to meet the ordinance's requirements. The Blue Team system tracks all uses of force and is managed by the Internal Affairs Bureau. This system complements the Equipment Ordinance system, which records deployments for all equipment covered by the ordinance.

Operational Context

The Police Department responded to 61,666 calls for service in 2024. Of the 61,666 calls received, 50 of them resulted in the deployment of military equipment (0.08% of all calls), and only 1 (0.0016%) resulted in the use of “less-lethal” munitions. For details on these systems and other military equipment refer to page 19 or the Impact Statements located on the Berkeley Police Department website.

The table on page 4 lists all 50 equipment deployment incidents recorded by the Blue Team and Equipment Ordinance systems. Each row represents an incident in which a specific piece of equipment was deployed or utilized. The table also documents 10 instances where the Special Response Team conducted arrest and/or search warrants in cases involving a violent suspect. Equipment not listed in the table was neither deployed nor used in 2024.

Of the 50 incidents, 39 were responses to calls for service from community members, 10 involved warrant service, and 1 occurred in preparation for a scheduled protest. Information provided by victims, witnesses, and community members guides police dispatchers, while officers and supervisors take these observations into account when deciding on equipment deployment.



2024 Equipment Deployment and Utilization

Each incident is listed in chronological order. Out of the 50 incidents in which military equipment was deployed, 8 involved active use of equipment. Equipment that was actively used is highlighted in yellow.

#	<u>Equipment Deployed</u>	<u>Summary of Deployment</u>	<u>Beat</u>
1.	36" batons, FN 303 Launcher, Light/Sound Distraction Device, 40MM Launcher	For a scheduled protest at a public park, the Special Response Team deployed 36-inch batons, an FN 303 launcher, light/sound distraction devices, and a 40MM launcher. None of the equipment was used.	6
2.	40MM Launcher	Officers responded to a call regarding an individual reportedly carrying a knife and a pole. Upon arrival they observed the subject with a knife. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	5
3.	40MM Launcher	Responding to a reported assault, officers encountered an agitated subject. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	4
4.	40MM Launcher	Officers responded to a felony domestic violence call at a residence where the suspect initially refused to come outside. Upon entry, a patrol rifle and a 40MM launcher were deployed but not used, and the subject complied and was detained without incident.	10
5.	Patrol Rifle	Officers from Richmond PD pursued armed robbery suspects into Berkeley. A patrol rifle was deployed by a BPD officer but not used, and both subjects complied and were detained without incident.	13
6.	40MM Launcher	A patrol officer encountered a man carrying a weapon who then ran and fled on foot. Additional officers arrived and deployed a 40MM launcher but did not use it. The subject complied and was detained without incident; a three-and-a-half-foot metal bar with a taped handle was recovered.	13
7.	FN 303 Launcher, Light/Sound Distraction Device, LRAD, Patrol	The Special Response Team responded to a suspect who had threatened to kill himself and others. SRT used an LRAD to call him out, and threw light/sound distraction devices in the yard.	Outside of Berkeley

	Rifle, 40MM Launcher, Precision Rifle	The subject complied and was detained without incident. All other listed equipment was deployed but not used.	
8.	Light/Sound Distraction Device, 40MM Launcher, FN 303 Launcher,	Officers responded to a call about a man who had been shot and was bleeding. The suspect was last seen in a tent. After announcements and deployment of a light/sound distraction device along with other equipment (40MM launcher and FN 303 launcher), the subject emerged, complied, and was detained without incident.	13
9.	Patrol Rifle	Following a report of a man brandishing a handgun, officers arrived with a patrol rifle deployed but not used. The subject complied and was detained without incident.	9
10.	40MM Launcher	Officers responded to a report of an individual threatening self-harm and harm to others. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	5
11.	40MM Launcher, FN 303 Launcher	Officers responded to reports of a shirtless man on Telegraph Avenue with chest wounds, carrying a sickle and a wooden stick. Both the 40MM and FN 303 launchers were used, and the subject complied and was detained without incident.	5
12.	40MM Launcher	Officers responded to a report of a shirtless man on Shattuck Avenue carrying a sharpened stick. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	4
13.	Patrol Rifle	Officers responded to a report of a suspected rapist fleeing a residence. A patrol rifle was deployed but not used, and the subject complied and was detained without incident.	10
14.	Patrol Rifle	During a burglary in progress, officers encountered two suspects. A patrol rifle was deployed but not used, and both subjects complied and were detained without incident.	7
15.	Patrol Rifle	In response to a felony vandalism call involving a death threat, officers located the suspect hiding in bushes. A patrol rifle was deployed but not used, and the subject complied and was detained without incident.	11
16.	Patrol Rifle	Officers responded to a tip about a potentially armed man in a vehicle. A patrol rifle was deployed but not used, and the subject complied and was detained without incident.	5

17.	Patrol Rifle	Officers responded to reports of an individual carrying what appeared to be a rifle and pistol along University Avenue. A patrol rifle was deployed but not used, and the subject complied and was detained without incident.	4
18.	Patrol Rifle, 40MM Launcher	Officers responded to a report of a man allegedly carrying a gun. A patrol rifle and a 40MM launcher were deployed but not used, and the subject complied and was detained without incident.	5
19.	40MM Launcher, Patrol Rifle	For a felony domestic violence call with a suspect inside the residence, officers deployed a 40MM launcher and a patrol rifle but did not use either. The subject complied and was detained without incident.	1
20.	FN 303 Launcher, Light/Sound Distraction Device, Patrol Rifle, 40MM Launcher	The Special Response Team responded to arrest a suspect connected to a shooting. Officers spotted him walking down the street and used a light/sound distraction device to distract him. The subject complied and was detained without incident. All other listed equipment was deployed but not used,	Outside of Berkeley
21.	Patrol Rifle, 40MM Launcher, Precision Rifle	Officers responded to a violent armed robbery involving multiple suspects. A patrol rifle, 40MM launcher, and precision rifle were deployed but not used, and all subjects complied and were detained without incident.	5
22.	FN 303 Launcher	During a mutual aid operation addressing a barricaded burglary suspect, the FN 303 launcher was deployed but not used, and the subject complied and was detained without incident.	Outside of Berkeley
23.	Patrol Rifle	Officers responded to a report of an armed individual near an intersection. After the suspect fled into a parking garage, patrol rifles were deployed but not used. The subject eventually complied and was detained without incident.	4
24.	40MM Launcher	Following a disturbance at a local restaurant—in which the suspect became agitated, threatened the business owner, and was seen brandishing a knife and fork—officers arrived and deployed a 40MM launcher but did not use it. The subject complied and was detained without incident.	3

25.	40MM Launcher	Officers responded to a disturbance call involving an individual with a known history of assault. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	5
26.	FN 303 Launcher, LRAD, Patrol Rifle, Light/Sound Distraction Device	Officers responded to a barricaded suspect situation in which the individual refused to exit an RV. Officers gave voice commands through the LRAD, and used light/sound distraction devices. Patrol rifles and less-lethal launchers were deployed but were not used. The subject complied and was detained without incident.	Outside of Berkeley
27.	40MM Launcher	Officers responded to a report of a person locked in a basement woodshop with a firearm who was threatening suicide. A 40MM launcher was deployed but not used, and the situation was resolved without incident.	3
28.	Patrol Rifle	Responding to a reported fight involving a suspected armed individual, officers deployed a patrol rifle but did not use it. The subject complied and was detained without incident.	14
29.	FN 303 Launcher, Light/Sound Distraction Device, LRAD, Patrol Rifle, 40MM Launcher, Precision Rifle	SRT served a high-risk warrant for shooting suspects. Officers used multiple light/sound distraction devices. The subject complied and was detained without incident.	9
30.	40MM Launcher	Officers responded to a reported restraining order violation involving a subject allegedly carrying a large knife. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	12
31.	40MM Launcher	After a subject with prior history of assault made more than 25 false calls over 24 hours, officers responded and deployed a 40MM launcher but did not use it. The subject complied and was detained without incident.	9
32.	40MM Launcher	During a tense family dispute where one individual was suspected of carrying a knife, a 40MM launcher was deployed but not used. The subject complied and was detained without incident.	13
33.	40MM Launcher	Officers responded to a trespassing call in a residential backyard, in which the suspect had reportedly assaulted the	11

		victim. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	
34.	Patrol Rifle	While conducting a search warrant for a homicide suspect who attempted to flee, officers deployed a patrol rifle but did not use it. The subject complied and was detained without incident.	Outside of Berkeley
35.	Patrol Rifle, 40MM Launcher	In response to a reported homicide involving a firearm, officers deployed a patrol rifle and 40MM launcher but did not use either. The subject complied and was detained without incident.	13
36.	Patrol Rifle	During a high-risk stop in a homicide investigation, officers deployed a patrol rifle but did not use it. The subject complied and was detained without incident.	13
37.	40MM Launcher	Officers conducted a welfare check after a subject threatened to kill his siblings. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	4
38.	40MM Launcher	Officers responded to a report regarding a short-term rental occupant who refused to leave a multi-unit property. The suspect had a felony warrant for attempted homicide. A 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	6
39.	40MM Launcher	A man on parole for weapons possession barricaded himself in an office, and officers deployed a 40MM launcher but did not use it. The subject complied and was detained without incident.	6
40.	FN 303 Launcher	After responding to a domestic violence call where the suspect refused to leave his room, officers deployed an FN 303 launcher but did not use it. The subject complied and was detained without incident.	5
41.	40MM Launcher	Following a report from an ER regarding an individual with a history of assault who punched a visitor, officers deployed a 40MM launcher but did not use it. The subject complied and was detained without incident.	8
42.	Patrol Rifle, 40MM Launcher	Responding to a call about an assault at an apartment, officers deployed a patrol rifle and a 40MM launcher but did not use	4

		either. The subject complied and was detained without incident.	
43.	40MM Launcher	Officers responded to a situation involving an individual displaying a knife and demanding that others end his life. A 40MM launcher was deployed but not used, and the situation was resolved without incident.	7
44.	Patrol Rifle, 40MM Launcher	During an SRT operation in Antioch related to a shooting incident during a vehicle theft interruption, a patrol rifle and 40MM launcher were deployed but not used. The subject complied and was detained without incident.	Outside of Berkeley
45.	FN 303 Launcher, Light/Sound Distraction Device, Patrol Rifle, 40MM Launcher,	While conducting a high-risk warrant service in a burglary case, officers deployed the listed equipment but did not use any of it. The subject complied and was detained without incident.	3
46.	Patrol Rifle, LRAD, Light/Sound Distraction Device, 40MM Launcher	Officers conducted a warrant service operation involving a suspect connected to multiple gunshots in Berkeley. Officers gave voice commands through the LRAD, and used light/sound distraction devices. The other listed equipment was deployed but not used, and the subject complied and was detained without incident.	Outside of Berkeley
47.	OC Spray	After responding to a report of an individual causing a disturbance with excessive noise and door knocking—and who became physically aggressive—OC spray was used, and the subject complied and was detained without further incident.	5
48.	FN 303 Launcher, Patrol Rifle, 40MM Launcher	Following a shooting incident in which two suspects exchanged gunfire, SRT conducted a warrant for their arrest. Officers deployed the listed equipment but did not use it. The subject complied and was detained without incident.	5
49.	Light/Sound Distraction Device, Patrol Rifle, 40MM Launcher	In response to a domestic violence and assault case involving a deadly weapon, SRT carried out a surveillance and stop operation in Oakland. The listed equipment was deployed but not used, and the subject complied and was detained without incident.	Outside of Berkeley
50.	40MM Launcher	In response to a disturbance that occurred during a move-out inspection in which a suspect threatened a victim with a knife,	4

		a 40MM launcher was deployed but not used, and the subject complied and was detained without incident.	
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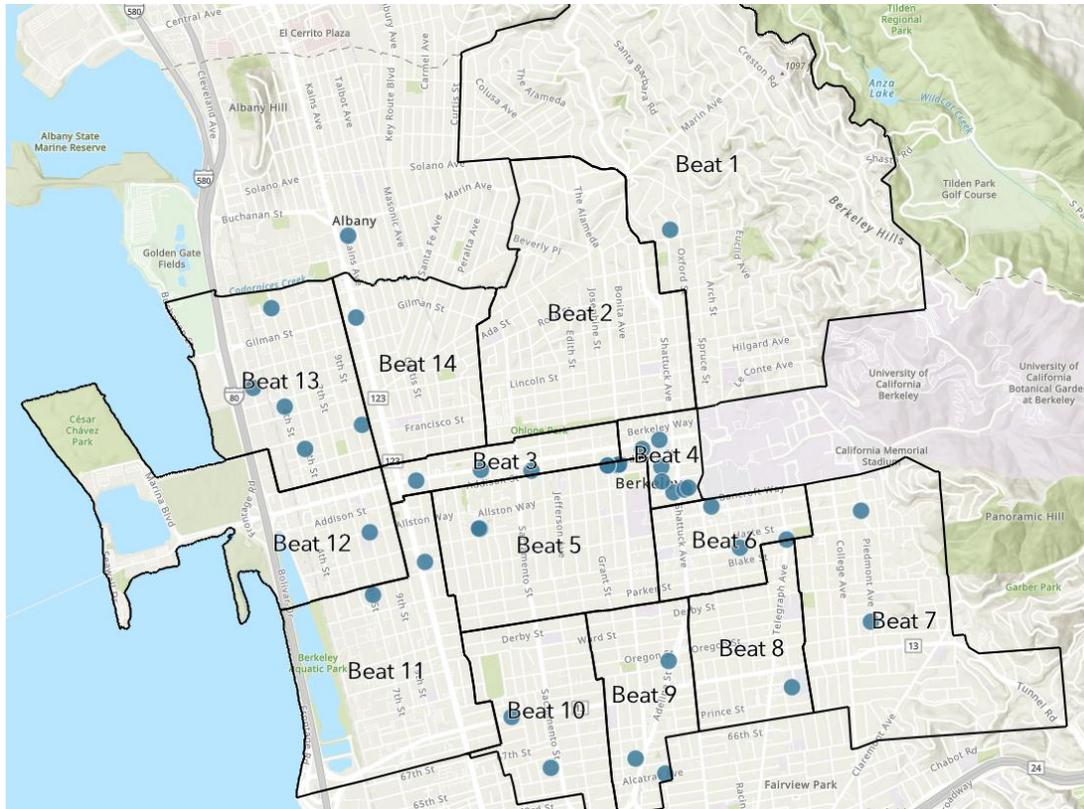
Deployment Statistics

The table below displays the total number of deployments for each specified piece of equipment in 2024. Note that different types of equipment may be deployed in a single incident, and the same piece of equipment may be deployed by multiple officers during one incident.

<i>Equipment</i>	<i>Number of Deployments</i>
<i>Patrol Rifle</i>	24
<i>40MM Single Launcher</i>	35
<i>40MM LTL Multi-Launcher</i>	0
<i>FN 303 Launcher</i>	11
<i>FN Pava Impact Projectile</i>	0
<i>Oleoresin Capsicum Spray</i>	1
<i>Chlorobenzylidene Malononitrile and Oleoresin Capsicum</i>	0
<i>Precision Rifle</i>	3
<i>Light/Sound Diversionary Device</i>	9
<i>Long Range Acoustic Device</i>	4
<i>36" Batons</i>	1
<i>Barret Model 99</i>	0

No additional internal audits were conducted beyond those performed to gather and confirm data for this report. No violations of equipment use were identified, and no complaints regarding the above-listed equipment were submitted to the department.

A map below shows the locations of the 42 equipment deployments in Berkeley, with 8 deployments occurring in other Bay Area cities.



Equipment Inventory and Descriptions

Below is a list and inventory of the reportable equipment under the city ordinance:

- Patrol Rifle (96)
 - Associated .223 duty and training rounds (61,450)
- Less Lethal single 40MM launcher (20)
- Less Lethal Milkor LTL 40 MM multi-launcher (2)
 - Associated 40mm rounds (450)
- Less Lethal FN 303 Launcher (8)
 - Associated FN rounds (5,813)
 - Associated FN Pava rounds (150)
- Oleoresin capsicum (handheld OC spray) (182)
- Chlorobenzylidene Malononitrile and Oleoresin capsicum/ tear gas (300)
- Remington 700 Precision Rifle (6)
 - Associated .308 rounds (3,000)
- Light/sound distraction device (88)
- Long Range Acoustic Device (LRAD) (2)
- 36" batons (195)
- Barret Model 99 Precision Rifle (1)
 - Associated .50 rounds (54)

The following are product descriptions of the military equipment the Berkeley Police Department possesses:

Patrol Rifle

The "M4" was developed and produced for the United States government by Colt Firearms and is based on the original Armalite Rifle (AR) patent purchased by Colt in 1959. Although Colt owns the trademarked name "M4," several other manufacturers offer similar firearms under various model names. The M4 and its variants fire 5.56×45 mm NATO (and .223 Remington) ammunition and are gas-operated, magazine-fed firearms with barrel lengths ranging from 11.5" to 16".

The current BPD rifle ammunition is the .223 Remington—a rimless, bottlenecked cartridge developed in 1957 by Remington Arms and Fairchild Industries. One of the most popular cartridges, the .223 Remington is used by a wide range of semi-automatic and manual-action rifles, as well as handguns. While the military uses the similar 5.56×45 mm NATO cartridge, BPD employs the more common civilian .223 Remington for all training and duty purposes.

Penn Arms 40MM Single Launcher & Milkor LTL Multi-Launcher

The 40 mm impact projectile was developed as an alternative to the 12-gauge bean bag round and other less focused less-lethal options. Early 12-gauge bean bag round designs had unpredictable flight patterns and could cause significant unintended injuries. The 40 mm foam baton round was created as a direct-fire projectile intended to minimize

such risks. The Berkeley Police Department currently uses the CTS 4557 foam baton projectile and the Penn Arms L-140 single-shot launcher.

FN 303

Developed in 2003 by Fabrique Nationale de Herstal as a less-lethal option, the FN 303 is based on a concept from Monterey Bay Corporation. The development team included designers and researchers from two paintball-related companies. The FN 303 uses compressed air to propel a .68-caliber projectile, similar to those used in manufactured paintball guns.

Oleoresin capsicum (OC spray)

First Defense manufactures OC sprays in various sizes. Oleoresin capsicum is the most widely used chemical agent among law enforcement and the general public. It has a pungent, irritating pepper odor and is classified as an inflammatory agent. In addition to its effectiveness on humans, OC-based agents are typically effective on animals. In liquid form, OC can appear clear, amber, or dark red, depending on the manufacturer, as it is mixed with various carrier solutions.

Chlorobenzylidene Malononitrile (CS) & (OC)

Chlorobenzylidene malononitrile, commonly known as CS, is one of the most widely used tear gases. It can be delivered as a liquid, gas, or solid and is designed to produce temporary discomfort by being vaporized or otherwise dispersed in the air. Law enforcement agencies rely on CS to manage combative suspects, control crowds, and handle barricaded subjects without resorting to higher levels of force. CS can be deployed via aerosol (the most common method), fogging, pyrotechnics, or blast expulsion; however, all methods are influenced by environmental factors such as wind, rain, temperature, and proximity. Under standard conditions, CS forms a white crystalline substance with low vapor pressure and poor water solubility.

Remington 700 Precision Rifle

The Remington 700 is a series of bolt-action rifles designed in 1962 by Remington Arms Company. The "700" designation refers to multiple models with varying parts, barrel lengths, stocks, and other components. The Precision Rifle model has long been used by law enforcement and remains an industry standard. The Berkeley Police Department employs a custom Remington 700 action chambered in the common .308-caliber round, featuring a 20-inch barrel, an Accuracy International chassis/stock, a Nightforce 3-15× magnified optic, and a bipod.

Light/Sound Distraction Device

Also known as diversionary, noise/flash, or light/sound devices, Light/Sound Distraction Devices have been available for about 40 years. They serve as safe and effective tools for law enforcement during challenging tactical incidents. When activated, these devices produce loud noise, heat, and intense light to create an effective diversion.

Long Range Acoustic Device (LRAD)

The LRAD is a high-intensity, directional acoustical array that provides long-range, crystal-clear communication. Essentially, it functions as a powerful loudspeaker.

36" Baton

The Berkeley Police Department issues a fixed-length, straight baton with a knurled polycarbonate grip for crowd control. The baton measures 36 inches in length, 1.25 inches in diameter, and weighs approximately 1.64 pounds. Polycarbonate is a durable thermoplastic that resists splintering and heat.

Barrett Model 99 Precision Rifle

The Barrett Model 99 is a single shot, bolt action .50caliber rifle introduced in 1999. It is intended for emergency situations where there is a high potential for violence.

Lexipol Policies

Patrol Rifle

- Policy 300 (Use of Force)
- Policy 349 (Tactical Rifle Operator Program)

40MM single launcher

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)

40MM LTL multi-launcher

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)

FN 303 Launcher & FN Pava rounds

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)

Chlorobenzylidene Malononitrile and Oleoresin Capsicum (canister and spray)

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)

Precision Rifle

- Policy 300 (Use of Force)
- Policy 354 (Precision Rifle)

Light/Sound Diversionary Device

- Policy 353 (Diversionary Device)

Long Range Acoustic Device

- Policy 707 (Long Range Acoustical Device)

36" batons

- Policy 300 (Use of Force)
- Policy 303 (Control Devices and Techniques)
- Policy 428 (First Amendment Assemblies)

Barret Model 99

- Policy 300 (Use of Force)
- Policy 354 (Precision Rifle)

Item 9.f.

ODPA Memorandum Titled “Recap of February 25, 2025 Public Safety
Policy Committee Meeting”



MEMORANDUM

Date: Friday, February 28, 2025
To: Honorable Members of the Police Accountability Board (PAB)
From: Hansel Aguilar, Director of Police Accountability (DPA) *Ha*
Jose Murillo, ODPa Policy Analyst *JM*
Subject: Recap of February 25, 2025 Public Safety Policy Committee Meeting

PURPOSE

This memorandum serves to update the PAB on the actions taken during the Public Safety Policy Committee's Special meeting on February 25, 2025. At this meeting, the PAB presented its reports, "Berkeley Police Department Texting Offenses: An Independent Investigation by the Police Accountability Board" and "2024 Fair and Impartial Policing Implementation Report."

BACKGROUND:

On February 25, 2025, the PAB presented its two reports to the Public Safety Policy Committee (PSPC) of the Berkeley City Council.¹ Board Member Calavita presented the "Berkeley Police Department Texting Offenses: An Independent Investigation by the Police Accountability Board"² report, while Chair Cayetano and Vice-Chair Wilson presented the "2024 Fair and Impartial Policing Implementation Report."³

The PSPC, consisting of Councilmembers Blackaby (selected as Chair), O'Keefe, and Kesarwani, unanimously voted to provide the full City Council with a negative recommendation regarding the PAB's recommendations. However, Councilmember Blackaby proposed drafting a resolution to address certain aspects of the PAB's recommendations.

No action was taken on the Fair and Impartial Policing report, which will be continued to a future meeting. Chair Cayetano and Chief Louis will coordinate to determine which recommendations can be pursued collaboratively and which will remain at the discretion of the PSPC.

¹ PSPC February 25, 2025 Meeting Recording: <https://youtu.be/ibR1UVFX1DE>

² Report Link: https://berkeleyca.gov/sites/default/files/documents/2024-08-29%20BPD%20Texting%20Offenses_PAB%20Investigation%20Report_Final.pdf; Companion Report Link: berkeleyca.gov/sites/default/files/documents/3.2024-08-29_ODPA_Companion_Report_FINAL.pdf

³ Report Link: https://berkeleyca.gov/sites/default/files/documents/2024%20PAB%20Report_FIP%20Implementation_Final.pdf

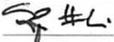
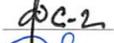
Correspondence to PAB: BPD Use of Pepper Spray Report

Summary and justification of the Actions of Officer(s) Involved:

I responded to the area of the basketball courts and saw a Sgt. speaking with a subject. Subject was yelling at the Sgt and another Officer upon my arrival. I noticed the subject had lowered his center of gravity, was balling his hands into fist and advancing slightly towards Officers and appeared to want to fight. Based on the subject's actions with appearing to want to fight Officers and his inability to comply with directions to turn around so we could detain him safely without fighting, I got my O.C spray out of my vest holster. Subject continued to disregard my instructions and kept his hands balled into fist. I warned the Subject that he would be pepper sprayed and he kept ignoring instructions. I sprayed Subject with my O.C spray, he turned his face after the spray hit him in the left side of his eye, I kept spraying and he turned to look at me and the spray got him on the forehead and face. Subject then kept his fist up as if to fight. The Sgt. grabbed the subject and the subject then swung with his right fist onto an Officer striking him somewhere on his face, a violation of PC 243(b). Subject was taken down and I grabbed onto his lower body to keep him from kicking.

It appeared the O. C. was not effective as the subject kept stating it did not affect him, his eyes did not appear swollen or watery as consistent with O. C. exposure.

Please print and route through Chain of Command to the Office of the Chief.

 Duty Supervisor
 #L. 12 Watch Commander
 PC-2 Operations Captain
 #C-1 Chief of Police

Legislative Updates Relevant to the PAB's Work



MEMORANDUM

Date: February 28, 2025
To: Honorable Members of the Police Accountability Board
From: Hansel A. Aguilar, Director of Police Accountability *HAA*
Jose D. Murillo, ODPAA Policy Analyst *JDM*
Subject: Legislative Updates

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

State Legislative Updates¹

The following bills relevant to the PAB's work have been introduced in the state of California:

- [SB 385 “Peace Officers”](#) (Introduced) - This bill, SB 385, requires peace officers hired on or after January 1, 2029, to obtain a modern policing degree or a bachelor's or advanced degree from an accredited institution within 36 months of employment. It builds on existing certification and education requirements and takes effect immediately as an urgency statute.
- [AB1178 “Peace Officers: Confidentiality of Records”](#) (Introduced) - This bill expands redaction requirements under the California Public Records Act, requiring law enforcement agencies to remove identifying details of undercover officers, task force members, and those with verified death threats. It imposes a state-mandated local program and includes legislative findings justifying access limitations.
- [SB707 “Open Meetings: Meeting and teleconference requirements”](#) (Introduced) - SB 707 expands public meeting access by requiring remote participation, interpretation services, and multilingual agendas for local government bodies until 2030. It revises teleconferencing rules and extends provisions for emergencies and just cause absences.

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

Additional legislation pertaining to public safety in the state of California may be monitored here: <https://legiscan.com/CA/legislation> .

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 affect 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 though the BPD's Knowledge Management System (KMS):

- BPD Policy 905 “Jail Training Officer Program”
 - This new policy establishes a standardized Jail Training Officer Program to ensure that new Community Service Officers receive structured training in Berkeley Police Department Jail operations.

City of Berkeley Council Meeting Updates

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

March 11, 2025 Regular Meeting⁵

Consent Calendar

- [Item 3. Police Accountability Board – Appointment of New Member](#)
- [Item 4. 2025 Updated Commissioners' and Board Members' Manual](#)

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

³https://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>

⁵ March 11, 2025 Regular Meeting of the City Council: <https://berkeleyca.gov/city-council-regular-meeting-eagenda-march-11-2025>

- [Item 5. Contract: Edgeworth Integration LLC to Purchase and Provide Installation of New Security System Server at Berkeley Animal Care Services](#)

Agenda and Rules Committee

March 3, 2025 Regular Meeting (Reviewing Council Agenda for March 18, 2025)

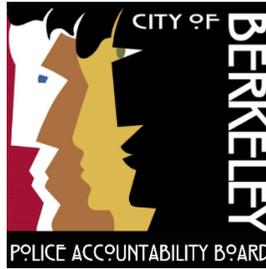
Consent Calendar Items

- Item 7. Establishing a Measure FF SAFE STREETS Citizen Oversight Committee

Action Calendar Items

- Item 10. Revised External Fixed Surveillance Camera Locations and Vendor Transition
- Item 11. Formation of a Sex Trafficking Task Force to Address Current Sex Trafficking

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 February 28, 2025, the Police Accountability Board (PAB) has 14 open policy reviews. There has been no new policy reviews submitted to the PAB since the last meeting on February 19, 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	
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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	
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Evaluating for potential referrals to subcommittee or PAB members.	
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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	
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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	
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Evaluating for potential referrals to subcommittee or PAB members.	
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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.

Policy Review Number	2025-PR-0001
Policy Topic	Contact Between Complaint Subject Officer and Complainant During Calls for Service
Relevant Policy	BPD Policy 1004 "Anti-Retaliation" BPD Policy 1010 "Personnel Complaints"
Status	Open
Date Presented to the PAB	02/19/2025
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB Member w/ Support of ODPA

Summary

The Complainant reported two interactions with BPD in January 2025, involving officers who were either subjects of their prior complaints to the PAB or involved in other litigation. They expressed concerns about potential retaliation or bias, believing they should not interact with officers they had previously filed complaints against.

Updated February 27, 2025

Activity Report

The PAB accepted the complaint on February 19, 2025. ODPa staff will coordinate with Board Member Calavita to establish the review workplan and move forward with the review.