



**POLICE ACCOUNTABILITY BOARD  
REGULAR MEETING AGENDA PACKET  
Wednesday, April 9, 2025  
6:30 PM**

**Board Members**

Joshua Cayetano (Chair)	Leah Wilson (Vice-Chair)
Kitty Calavita	Juliet Leftwich
David Williams	Randy Wells

**MEETING LOCATION**

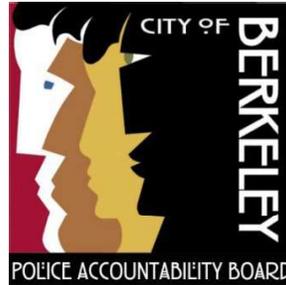
Office of the Director of Police Accountability  
1900 Addison Street, Floor 3  
Berkeley, CA 94704

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Item 2 - April 9, 2025 PAB Regular Meeting Agenda

Public

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**POLICE ACCOUNTABILITY BOARD**  
REGULAR MEETING AGENDA  
**WEDNESDAY, APRIL 9, 2025**  
**6:30 P.M.**

**Board Members**

Joshua Cayetano (Chair)  
Kitty Calavita  
David Williams

Leah Wilson (Vice-Chair)  
Juliet Leftwich  
Randy Wells

**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 March 19, 2025

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

Announcements, updates, and other items.

- 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 (45 MINUTES)**

- a. Discussion and action on new Policy Complaint 2025-PR-0002 in accordance with Section G "Policy Complaints and Reviews" of the PAB's Standing Rules (ODPA) – (15 Minutes)
- b. Discussion and action on the PAB's review of the BPD's Mutual Aid Agreements with other law enforcement agencies (continued discussion) (ODPA) – (15 Minutes)
- c. Discussion and action on the PAB's proposed response to the BPD's 2024 Annual Report (ODPA) – (15 Minutes)

**10. PUBLIC COMMENT (TBD)**

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

**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 ODP:

- |                    |                     |
|--------------------|---------------------|
| i. 2023-CI-0016    | xii. 2025-CI-0005   |
| ii. 2024-CI-0003   | xiii. 2025-CI-0006  |
| iii. 2024-CI-0004  | xiv. 2025-CI-0007   |
| iv. 2024-CI-0009   | xv. 2025-CI-0008    |
| v. 2024-CI-0025    | xvi. 2025-CI-0009   |
| vi. 2024-CI-0045   | xvii. 2025-CI-0010  |
| vii. 2024-CI-0046  | xviii. 2025-CI-0011 |
| viii. 2025-CI-0001 | xix. 2025-CI-0012   |
| ix. 2025-CI-0002   | xx. 2025-CI-0013    |
| x. 2025-CI-0003    | xxi. 2025-CI-0014   |
| xi. 2025-CI-0004   | xxii. 2025-CI-0015  |

**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

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#### **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](mailto:dpa@berkeleyca.gov)

Item 4 - Minutes for the Regular Meeting of March 19, 2025



**POLICE ACCOUNTABILITY BOARD**  
REGULAR MEETING MINUTES

**WEDNESDAY, MARCH 19, 2025**  
**6:30 P.M.**

**Board Members**

Joshua Cayetano (Chair)	Leah Wilson (Vice-Chair)
Kitty Calavita	Juliet Leftwich
David Williams	Randy Wells

Meeting Recording: <https://youtu.be/0xT6Jf7nMes?si=KKjigX9eZDZtDsJf>

**MINUTES**

**1. CALL TO ORDER AND ROLL CALL**

**Present:** Board Member Joshua Cayetano (Chair)<sup>1</sup>  
Board Member Leah Wilson (Vice Chair)  
Board Member Kitty Calavita  
Board Member Juliet Leftwich  
Board Member Randy Wells

**Absent:** Board Member David Williams<sup>2</sup>

**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:** Deputy Chief Tate  
Lieutenant Bonaventure

**CMO Staff:** David White, Deputy City Manager

<sup>1</sup> Chair Cayetano arrived after roll call at 6:57 PM

<sup>2</sup> Board Member Williams is on a leave of absence until June 19, 2025.  
PAB March 19, 2025

**2. ADMINISTERING OATH OF OFFICE & CONFIDENTIALITY TO NEW BOARD MEMBER**

Director Aguilar administers the Oath of Office and Confidentiality to Board Member Randy Wells. Board Member Wells introduces himself to the PAB.

**3. APPROVAL OF AGENDA (2 MINUTES)****Motion to approve the agenda.**

Moved/Second (Leftwich/Calavita) Motion carried.

Ayes: Calavita, Leftwich, Wells, and Wilson

Noes: None. Abstain: None. Absent: Cayetano, and Williams

**4. PUBLIC COMMENT (TBD)**

*0 Physically Present Speakers*

*0 Virtually Present Speakers*

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

- a. Minutes for the Regular Meeting of March 5, 2025

**Motion to approve the minutes for the regular meeting of March 5, 2025.**

Moved/Second (Leftwich/Calavita) Motion carried.

Ayes: Calavita, Leftwich, Wells, and Wilson

Noes: None. Abstain: None. Absent: Cayetano, and Williams

**6. ODPa STAFF REPORT**

Director Aguilar updates on annual report, UC Berkeley conference<sup>3</sup>, council resolutions, public safety committee<sup>4</sup>don and upcoming NACOLE webinars<sup>5</sup>. David White, Deputy City Manager, introduces himself to the PAB.

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

There were no activities to report since the last PAB Regular meeting.

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

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<sup>3</sup> Inaugural Larsen Justice Conference 2025 - Criminal Law & Justice Center - UC Berkeley (3).pdf - Google Drive [https://drive.google.com/file/d/1ICRpHelRxcJMW\\_-GqnTcGgBL6pfEE-6Z/view](https://drive.google.com/file/d/1ICRpHelRxcJMW_-GqnTcGgBL6pfEE-6Z/view)

<sup>4</sup> Policy Committee: Public Safety | City of Berkeley <https://berkeleyca.gov/your-government/city-council/council-committees/policy-committee-public-safety>

<sup>5</sup> Frank Piazza, President of Legal Audio Video (<https://legalaudiovideo.com/>) will explore the current state of AI and the significant challenges it presents when reviewing audio and video evidence -Thursday, March 27, 2025, 12:00 PM - 1:00 PM PST

Addressing Key Issues in Law Enforcement-Youth Interactions - Friday, March 28, 2025 at 11:00AM\_ [https://www.nacole.org/2025\\_nacole\\_webinar\\_series\\_march](https://www.nacole.org/2025_nacole_webinar_series_march)

Understanding Civilian Oversight's Fast-Changing Legal Landscape - Friday, April 25, 2025 at 10:00 AM\_ [https://www.nacole.org/2025\\_nacole\\_webinar\\_series\\_april](https://www.nacole.org/2025_nacole_webinar_series_april)

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

## 9. SUBCOMMITTEE REPORTS

The PAB Subcommittees reported on their activities.

## 10. DISCUSSION AND ACTION ITEMS (1 HOUR)

- a. Discussion and action on the restructuring of the PAB's existing subcommittee's (Cayetano) – (15 Minutes)

### **Motion<sup>6</sup> to discontinue the Fair and Impartial Policing Subcommittee and Policies and Practices relating to the Downtown Task Force subcommittee.**

Moved/Second (Wilson/Calavita) Motion carried.

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

Noes: None. Abstain: None. Absent: Williams

### **Motion<sup>7</sup> to discontinue the Surveillance Technology Policy Subcommittee.**

Moved/Second (Calavita/Wilson) Motion carried.

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

Noes: None. Abstain: None. Absent: Williams

### **Motion<sup>8</sup> to designate Vice Chair Wilson as the Fair and Impartial Policing Liaison for the PAB.**

Moved/Second (Cayetano/Leftwich) Motion carried.

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

Noes: None. Abstain: None. Absent: Williams

### **Motion<sup>9</sup> to assign Board Member Wells to the Metrics and Operations Subcommittee and the Outreach and Engagement Subcommittee along with Chair Cayetano.**

Moved/Second (Wells/Leftwich) Motion carried.

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

Noes: None. Abstain: None. Absent: Williams

- b. Discussion and action on the PAB's review of the BPD's Mutual Aid Agreements with other law enforcement agencies (continued discussion) (ODPA) – (15 Minutes)

<sup>6</sup> March 19<sup>th</sup>, 2025 PAB Regular Meeting: <https://youtu.be/0xT6Jf7nMes?si=dfLPEofn39V1UxGA&t=2100> [relevant comments 35:00-36:08]

<sup>7</sup> March 19<sup>th</sup>, 2025 PAB Regular Meeting: <https://youtu.be/0xT6Jf7nMes?si=iqmXldZ2foic2HZr&t=2447> [relevant comments 40:46-41:18]

<sup>8</sup> March 19<sup>th</sup>, 2025 PAB Regular Meeting: [https://youtu.be/0xT6Jf7nMes?si=he8E90KE7LPBTQ\\_Q&t=2487](https://youtu.be/0xT6Jf7nMes?si=he8E90KE7LPBTQ_Q&t=2487) [relevant comments 41:29-41:50]

<sup>9</sup> March 19<sup>th</sup>, 2025 PAB Regular Meeting: [https://youtu.be/0xT6Jf7nMes?si=QlF4n-iovft\\_FqRi&t=2368](https://youtu.be/0xT6Jf7nMes?si=QlF4n-iovft_FqRi&t=2368) [relevant comments 39:32-39:57]

No actions taken. Deputy Chief Tate informed the PAB during Item 8 “Chief of Police Report”, that the BPD is in the process of responding to the requested information for this item.

- c. Discussion and action on the BPD’s Revised External Fixed Camera Locations and Vendor Transition per BMC 2.99.030 (ODPA) – (15 Minutes)

No actions taken. The PAB discussed the upcoming review process and the various considerations they will make when reviewing the upcoming surveillance technology acquisition report and relevant use policy.

- d. Discussion and possible action on BPD’s 2024 Annual Report (ODPA) – (15 Minutes)

No actions taken. The PAB discussed the BPD’s report and identified areas that could be strengthened in future reports. The PAB requested that the ODPa consolidate that feedback in a memorandum for action at their next meeting.

**11. PUBLIC COMMENT (TBD)**

*1 Physically Present Speakers*

*0 Virtually Present Speakers*

**12. CLOSED SESSION**

**CLOSED SESSION ITEMS**

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

- a. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNEMENT CODE SECTION 54957.6

Negotiator: Laura A. Izon & Sarah Martoccia from Atkinson, Andelson, Loya, Ruud & Romo

Employee Organization: Berkeley Police Association

No actions taken. The PAB received updates on the status of their permanent regulations for investigating complaints.

- b. Case Updates and Recommendations Regarding Complaints Received by the

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ODPA:

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

**END OF CLOSED SESSION**

### **13. ANNOUNCEMENT OF CLOSED SESSION ACTIONS**

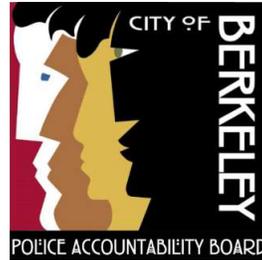
Chair Cayetano announces closed session actions.

### **14. ADJOURNMENT**

Motion to adjourn. Moved/Second (Leftwich/Calavita). The meeting was adjourned at 9:27 PM by unanimous consent.

Item 8 - PAB Subcommittee List

Updated on 4/4/2025



## SUBCOMMITTEES LIST

Subcommittee	Board Members	Chair	BPD Reps
<b>Regulations</b> Formed 7-7-21 Renewed 6-7-2023	Calavita Leftwich  <u>Public members:</u> Kitt Saginor	N/A	Chief Louis
<b>Policy Reviews</b> Formed 11-08-2023 Scope Expanded 12-11-2024 to include BWC Policy Review	Leftwich Cayetano  <u>Public members:</u> Kitt Saginor	Leftwich	Deputy Chief Tate Sgt. Rafferty
<b>Metrics &amp; Operations</b> Formed 02-05-2025 after the Budget & Metrics and Operations & Processes Subcommittees were consolidated into one	Wilson Wells	N/A	N/A
<b>Outreach &amp; Engagement</b> Formed 11-08-2023 Scope Expanded 03-02-2024 Formally "Commendations"	Cayetano Wells	N/A	N/A
<b>Berkeley Police Department Policies 1010 and 1034 Review</b> Formed 9-25-2024	Williams [Vacant] <sup>1</sup>	TBD	TBD

<sup>1</sup> Board Member Moore was previously assigned but is no longer on the Board

Updated on 4/4/2025

LIAISON LIST<sup>2</sup>

Liaison Name	Assignment
Cayetano	Represent the PAB in the EIS Request for Proposal Process
Wilson	Represent the PAB in the FIP Report Presentation

POLICY COMPLAINTS ASSIGNED TO INDIVIDUAL BOARD MEMBERS<sup>3</sup>

Policy Review Number	Assigned Board Member
2023-PR-0006	Unassigned <sup>4</sup>
2024-PR-0003	Unassigned <sup>5</sup>
2025-PR-0001	Calavita

<sup>2</sup> Liaison list does not include topics that were originally assigned to a Board Member but later assigned to a subcommittee.

<sup>3</sup> This list does not include policy complaints that were originally assigned to an individual Board Member but later assigned to a subcommittee.

<sup>4</sup> Board Member Moore was previously assigned but is no longer on the Board

<sup>5</sup> Board Member Moore was previously assigned but is no longer on the Board

Item 9.a. - ODPa Memorandum Titled "Notice of Policy Complaint No. 2025-PR-0002"



## MEMORANDUM

Date: April 4, 2025  
 To: Honorable Members of the Police Accountability Board  
 From: Hansel A. Aguilar, Director of Police Accountability *HA*  
 Jose D. Murillo, Policy Analyst *JM*  
 Subject: Notice of Policy Complaint No. 2025-PR-0002

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The purpose of this memorandum is to introduce Policy Complaint Number 2025-PR-0002 to the Police Accountability Board (PAB) as required by Section G of the PAB's Standing Rules.<sup>1</sup>

### Background:

On March 20, 2025, the Office of the Director of Police Accountability (ODPA) received Policy Complaint No. 2025-PR-0002 from a member of the public (hereinafter referred to as the "Complainant").

The Complainant expressed concerns with the prevalence of homeless encampments in West Berkeley, particularly near the marina, where numerous motorhomes occupy street parking. They noted issues with limited public parking access, trash accumulation, and unpleasant odors in the area. In response to the question regarding proposed changes to BPD policy, practice, or procedure, the Complainant suggested having these motorhomes removed. The ODPA made three attempts to contact the complainant for additional information regarding her concerns but was unsuccessful as of the date of this memo.

On September 10, 2024, the City Council approved Resolution No. 71,513-N.S., adopting the Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods.<sup>2</sup> This policy establishes guidelines for managing encampments while

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

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

<sup>2</sup> Annotated Agenda for the September 10, 2024 Berkeley City Council Meeting:

<https://berkeleyca.gov/sites/default/files/city-council-meetings/2024-09-10%20Annotated%20Agenda%20-%20Council.pdf>

emphasizing a housing-first approach. It directs the Homeless Response Team (HRT) to prioritize shelter placement before enforcement and limits encampment removals to cases involving specific health and safety concerns. An overview of the implementation of Berkeley's new encampment policy was provided to Council on October 7, 2024 via an off agenda report.<sup>3</sup>

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

Under Berkeley City Charter Section 125(17)(a), the Police Accountability Board (PAB) has the authority to "review policies, practices, and procedures of the Police Department at its discretion, at the request of a member of the public, in response to a policy complaint, or following a public complaint against an officer."<sup>4</sup>

It is important to note that the enforcement of these issues is not solely the responsibility of the BPD, as it relies on coordination with other city departments. The Homeless Response Team (HRT), led by the Neighborhood Services Division in the City Manager's office, is a multi-departmental effort that involves Public Works, Health, Housing & Community Services, the City Attorney's Office, Police, Fire, and Parks, Recreation and Waterfront. The complainant's concerns may be better addressed by these other city stakeholders, whose efforts are crucial in managing both the needs and impacts of encampments, as well as broader public health concerns.

If the PAB moves forward with this review, it may consider refining its scope and, if appropriate, offering recommendations on BPD Special Order 2018-0001<sup>5</sup> which speaks to this matter.

### **Courses of Action:**

Upon receiving a policy complaint, the Board can choose from several potential courses of action<sup>6</sup>, which include:

1. Accepting the policy complaint and assigning a Board member to investigate.
2. Accepting the policy complaint and directing ODPa staff to carry out an investigation.

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<sup>3</sup> The City of Berkeley Memorandum dated October 7, 2024, titled "Implementation of Berkeley's New Encampment Policy" (Attachment 2): <https://berkeleyca.gov/sites/default/files/documents/2024-10-7%20Implementation%20of%20Berkeley%E2%80%99s%20New%20Encampment%20Policy.pdf>

<sup>4</sup> Berkeley City Charter Section 125(17)(a): [https://berkeley.municipal.codes/Charter/125\(17\)\(a\)](https://berkeley.municipal.codes/Charter/125(17)(a))

<sup>5</sup> Berkeley Police Department Policy 1100:

[https://berkeleyca.gov/sites/default/files/documents/RELEASE\\_20240301\\_T161429\\_Berkeley%20PD%20Policy%20Manual.pdf#page=933](https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#page=933)

<sup>6</sup> Section G(3)(a) "Policy Complaints and Reviews" of the PAB's Standing Rules:

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

3. Accepting the policy complaint and establishing a subcommittee to investigate the matter.
4. Temporarily deferring acceptance of the policy complaint and assigning a Board member to investigate it before formal acceptance.
5. Temporarily deferring acceptance of the policy complaint and instructing ODP staff to investigate the matter.
6. Rejecting the policy complaint.

**Recommendation:**

The PAB should decline to accept the policy complaint and instead direct staff to forward it to the HRT for review and further action.

**Attachments:**

1. Policy Complaint 2025-PR-0002
2. City of Berkeley Memorandum dated October 7, 2024, titled "Implementation of Berkeley's New Encampment Policy"

# ATTACHMENT 1



### Policy/Practice/Procedure Form

Tracking Number ODPa-250320-307993

Created by [REDACTED] - March 20, 2025

Original version

**POLICY**

#### Personal Information

**Basic Information**

Email [REDACTED]	First Name [REDACTED]
Last Name [REDACTED]	Home/Cell Telephone [REDACTED]
Anonymously <b>No</b>	Work Telephone <b>Not Specified</b>

**Mailing Address**

Street Name <b>Not Specified</b>	Apt/Unit # <b>Not Specified</b>
State <b>Not Specified</b>	City <b>Not Specified</b>
Zip Code <b>Not Specified</b>	

**Occupation**

**Not Specified**

**Demographics**

Race <b>Prefer not to answer</b>	Ethnicity <b>Prefer not to answer</b>
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**Gender**

**Female**

#### Incident Details

**Statement**

The homeless situation in Berkeley is ridiculous. Everywhere I go in Berkeley in the westside of the city there are campers. I went for a walk down by the marina, and numerous motorhomes are parked on the street, leaving to public parking access to visitors. The area is trashy and smells

Location of Incident (if applicable)

The motorhomes were parked on W. Frontage Road, Harrison Street, Grayson Street, etc.

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

Not Specified

Not Specified

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

Have these motorhomes removed

**Additional Information**

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

Not Specified

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

Not Specified

Not Specified

Not Specified

## ATTACHMENT 2



Office of the City Manager

October 7, 2024

To: Honorable Mayor and Members of the City Council  
 From: Paul Buddenhagen, City Manager  
 Re: Implementation of Berkeley's New Encampment Policy

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On September 10, 2024, the City Council adopted Resolution No. 71, 513-N.S. "Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods, with the second reading approved by City Council on September 24, 2024." This action reflects the city's ongoing commitment to balancing compassion for unhoused residents with the need to maintain public health and safety. As part of the action taken that evening, the Council requested that the City Manager prepare this memorandum to clarify and explain city staff practices in engaging with service providers and encampment residents prior to any enforcement action. This memo serves to address the Council's request and provides further explanation of the city's approach to implementing the new encampment policy moving forward.

### *Overview of the Homeless Response Team*

The Homeless Response Team (HRT) is coordinated by the Neighborhood Services Division in the City Manager's office, and is a multi-departmental effort to balance the needs and impacts of the people who live, work or visit the area of a particular encampment—including and especially the people living in that encampment. The collaborative effort includes staff from Public Works, Health, Housing & Community Services, City Attorney's Office, Police, Fire, and Parks, Recreation and Waterfront.

The HRT's primary mission is the implementation of the All Home Regional Action Plan, adopted in July, 2021 by the City Council as the city's strategic plan to address and dramatically reduce street homelessness. With this in mind, the Homeless Response Team holds itself to three primary goals:

1. *Our Residents are Sheltered.* The All Home Regional Action Plan seeks to reduce street homelessness by 75% through the provision of permanent and interim housing solutions. The HRT's primary objective is moving people from sidewalks to safety through meaningful outreach and service provisions.

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2. *Dangerous encampments are not inevitable.* Even if people living in encampments are not interested in the shelter resources we have at our disposal, there are certain health and safety threats that must be mitigated—both for the health of the encampment residents and the community at large.
3. *Our City is Clean.* Even if an encampment does not need to be closed, people living unsheltered often have no place to throw away trash. Homeless encampments can also become magnets for illegal dumping. Our goal is to remove as much debris as possible to keep our streets safe and clean.

For more information on the Homeless Response Team and its performance outcomes, please see the June 4, 2024 off-agenda memo distributed to the City Council entitled, "Homeless Response Team Quarterly Data and Progress Report,"<sup>1</sup>

#### *Implementation Plans for Encampment Policy*

Resolution No. 71,513-N.S. directs the City of Berkeley's Homeless Response Team to "offer interim housing (generally a shelter offer, with a preference for non-congregate options) when closing encampments, whenever practicable, in accordance with the City's existing "Housing First" approach and best practices guidance from the federal government." It authorizes enforcement of State and local laws at encampments when a shelter offer is not practicable only under six specific and relatively narrow circumstances:

- The Fire Department has determined that an encampment poses a fire hazard or emergency condition as referenced in the Berkeley Fire Code, BMC Chapter 19.48; or
- The Environmental Health Division of the Health, Housing and Community Services Department has determined that the encampment poses an imminent health hazard as defined in BMC section 11.36.030; or
- The City has determined that a situation constitutes a public nuisance as defined in the BMC and is subject to an abatement pursuant to the BMC; or
- The encampment is located on a City street median, in the roadway, or otherwise in dangerous proximity to traffic pursuant to BMC section 14.32.040;
- The encampment is located in an area where the City has authorized work (such as for construction, major or minor encroachments, etc.) pursuant to BMC section 13.36.045;
- The encampment interferes with or impedes city or utility companies' construction or maintenance activities in the public right-of-way, street lighting installation or repair, street tree maintenance, or utilities maintenance or repair.

<sup>1</sup> See: <https://berkeleyca.gov/sites/default/files/documents/2024-06-04%20Homeless%20Response%20Team%20Quarterly%20Data%20and%20Progress%20Report.pdf>

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During the discussion of this policy item on September 10, comments by both staff and members of the Council clearly affirmed that the city is a “care first, jails last” jurisdiction, and that granting authority to the City Manager to enforce without shelter in no way should signal a broad departure from the HRT’s current approach, which is to:

- Assess encampments for relative health and safety impacts;
- Perform outreach to the people living in the encampment with the goal of ending their unsheltered status by connecting them to shelter, housing, and other resources; and
- Apply progressively intensive interventions to mitigate impacts of the encampment, such as garbage/debris removal service to the encampment, closing the encampment only when necessary for health/safety reasons and without the use of citation and arrest wherever possible.

Accordingly, and consistent with Council’s direction on September 10th, this will continue to be the practice of the HRT moving forward. Even if an encampment meets one of the health and safety exceptions enumerated in the resolution, staff will resort to enforcement only if all other service offers and attempts to achieve voluntary compliance have failed. Because encampments are comprised of human beings, each with different needs and mental states, effectuating this process requires a case-by-case approach and is not subject to predictable timelines.

#### *Noticing and Engagement Practices*

The Supreme Court’s *Grants Pass* ruling addressed the 8<sup>th</sup> Amendment question of whether shelter must be offered prior to closing an encampment. It made no determinations on the body of 4<sup>th</sup> Amendment case law pertaining to unreasonable search and seizure of personal property and 14<sup>th</sup> Amendment case law dictating due process and noticing requirements, nor does the City’s new encampment policy make any mention of changes to noticing and engagement requirements before closing any encampment.

Public and written noticing before government intervention at an encampment are requirements that are spelled out in federal case law as well as various provisions of the Berkeley Municipal Code. Written notice is always required prior to an encampment closure, except in very rare circumstances where imminent hazards need immediate abatement and prior written noticing is not feasible or may unreasonably delay the necessary abatement action. (To date, the HRT has never encountered a circumstance in which it has needed to close an encampment without providing prior written notice.) Generally speaking, courts have found 72 hours is a reasonable prior lead time for written notice, but this may vary depending on the circumstances. City staff will continue to adhere to all requirements in prevailing case law and the Berkeley Municipal Code in implementing the new encampment policy.

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Regarding the 4<sup>th</sup> and 14<sup>th</sup> Amendment protections for personal belongings, the HRT must and will continue to adhere to City storage policies for personal belongings at encampments, as described in Administrative Regulation 10.1. Implementing this policy takes time and city resources, both of which are limited, and is one of the factors that determines the pace with which encampments can be addressed in our community.

### *Collaboration with Service Providers*

Weeks or even months before closing large or particularly complex encampments, the Homeless Response Team, for the past couple years, has assembled a weekly case conference of all City and County homeless service providers working in Berkeley. The goal of the case conference is to discuss the individuals known to be living in the encampment, identify service plans for these individuals, and mobilize a coordinated, multi-sector and multi-agency response to connect people to whatever resource (including and especially indoor placements) may be available to them prior to the encampment closure. Less than one week after Resolution No. 71,513-N.S. directed staff to prioritize closure of the Harrison St and 2<sup>nd</sup>/Cedar St encampment areas, the HRT started a case conference specifically for these named geographic areas, inviting providers working in these encampments and communicating the City's plans as transparently as possible. Staff plan to continue facilitating these case conferences and continuing existing collaborations on a regular basis until these two large encampments are resolved.

### *Constraints for Vehicles*

Vehicle encampments, especially RVs, pose unique challenges for the City. There are no State or local laws making it illegal to dwell in a vehicle in Berkeley. Moreover, vehicles are governed by the California Vehicle Code (CVC), which supersedes any local ordinances. The CVC generally requires that all vehicles, even those deemed eligible for destruction, first be towed to impound. The tow companies with which the City contracts have limited space in their lots and are not always able to accommodate large vehicles such as RVs; moreover, they frequently refuse to accept them if they are filled with belongings that can create rodent harborage conditions. These external constraints have severely limited the City's ability to remove RVs from the street, even if the occupant has already moved into shelter and even if the vehicle has been declared a hazard pursuant to local laws. The Council's recent encampment policy does not affect this reality.

Additionally, a 2018 State law, AB 2876, and case law interpreting the 4<sup>th</sup> Amendment, make it illegal to tow a vehicle simply for compiling unpaid parking tickets or ignoring the 72-hour rule; absent some other valid 'community caretaking' justification, such as impediments to the safe flow of traffic or inoperability, towing a vehicle is considered an unconstitutional seizure of property under this law. The City has and will continue to enforce all parking regulations equally and on a complaint-driven basis, irrespective of

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whether the vehicle is being used as shelter. Some vehicles will simply ignore our enforcement efforts, and not all of them are towable under State law. (It is important to understand that moving even a few feet constitutes compliance with the 72-hour rule. A validly-registered and operable RV that moves slightly when tagged by Parking Enforcement is in full compliance with all State and local laws, and there is nothing that can be done to force its removal.) Staff have seen some success with moving RV residents into shelter in the past, and we will continue our efforts to do so (alongside all other priorities on the street) in the future.

### *Moving Forward*

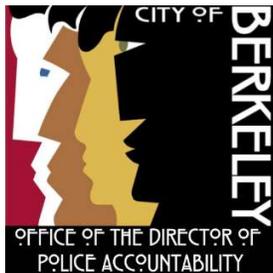
Staff view Berkeley's new encampment policy as part of our broader commitment to creating safe, healthy, and compassionate communities. We will continue to prioritize a housing-first approach while addressing the immediate safety risks posed by encampments. The City remains dedicated to listening to all stakeholders—including unhoused residents, local businesses, and community advocates—as we implement this policy.

If you should have any questions, please do not hesitate to contact Peter Radu, Assistant to the City Manager, at 510-981-7045 or [pradu@berkeleyca.gov](mailto:pradu@berkeleyca.gov).

cc: LaTanya Bellow, Deputy City Manager  
Anne Cardwell, Deputy City Manager  
Farimah Brown, City Attorney  
Terrance Davis, Public Works Director  
Scott Gilman, Health, Housing and Community Services Director  
Scott Ferris, Parks, Recreation and Waterfront Director  
Jennifer Louis, Chief of Police  
David Sprague, Fire Chief  
Peter Radu, Assistant to the City Manager  
Matthai Chakko, Assistant to the City Manager  
Jenny Wong, City Auditor  
Mark Numainville, City Clerk

Item 9.b.

ODPA Memorandum Titled "Status Update on PAB Inquiry Regarding Recent Versions of the Berkeley Police Department's Memorandums of Understanding (MOU) and Mutual Aid Agreements (MAA)"



## MEMORANDUM

Date: April 4, 2025

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

From: Hansel A. Aguilar, Director of Police Accountability (DPA) *HAA*  
 Jose D. Murillo, ODPa Policy Analyst *JM*

Subject: Status Update on PAB Inquiry Regarding Recent Versions of the Berkeley Police Department's Memorandums of Understanding (MOU) and Mutual Aid Agreements (MAA)

The purpose of this memorandum is to inform the PAB of the status of its inquiry directed to the BPD regarding the most recent versions of the MOU and Mutual Aid agreements.

### Background:

Berkeley Municipal Code (BMC) Sections 2.04.150 – 2.04.210 outline the procedure for approving and renewing agreements between the Berkeley Police Department (BPD) and external law enforcement or security agencies.<sup>1</sup> The process begins with the requirement for public disclosure and City Council approval before any agreement can take effect. BPD must submit all agreements in writing, including a rationale, cost projections, and any necessary supporting information. A public hearing, announced at least ten days in advance, is then held by the City Council, providing an opportunity for community members to review the documents and offer feedback. The Police Chief is required to attend the hearing 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.

On March 5, 2025, the PAB discussed the status of BPD's MOU and MAA renewals with other agencies, particularly the Department of Homeland Security and neighboring jurisdictions like the University of California, Berkeley.<sup>2</sup> ODPa staff informed

<sup>1</sup> Berkeley Municipal Code Section 2.04.150 – 2.04.210: <https://berkeley.municipal.codes/BMC/2.04.150>

<sup>2</sup> March 5, 2025 PAB Regular Meeting Minutes: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-03-05%20Regular%20Meeting%20Minutes.v2.pdf>

the PAB that, based on available information, the most recent renewal could be traced back to a public hearing on July 23, 2018, where the City Council approved a compendium of BPD's MOUs and MAAs.<sup>3</sup> Confirmation from BPD was still pending. On March 6, 2025, Chair Cayetano followed up with the BPD via email to confirm whether the 2018 hearing was the last time these MOUs and MAAs were reviewed and approved by the City Council. Chair Cayetano's inquiry was acknowledged on the same day, with notification that the BPD would provide a response after presenting their annual report to the City Council.

**Update:**

On March 21, 2025, Deputy Chief Tate responded to Chair Cayetano's email inquiries, explaining that there has been a delay in bringing the MOUs to the City Council due to a focus on converting old policies into Lexipol and updating numerous other policies within the new system. Additionally, during the pandemic, some less urgent staff items were paused by the Council, and the department shifted its focus toward public safety needs, which resulted in delays or halts in administrative processes. However, Deputy Chief Tate stated that the department is now fully committed to addressing areas that were previously deferred. Due to current staffing levels, this process may proceed slower than desired.

Deputy Chief Tate further explained that updating and reconciling the agreements has been a lengthy process, but progress is being made. The department is currently assessing which agencies require new or renewed agreements and expects to present this item to the City Council in the coming months. The process often involves ongoing discussions and legal reviews with external agencies. The last time the compendium was brought to the Council was in 2018, addressing agreements up to the end of 2017. While some of the MOUs are outdated, they have remained valid and operationally functional. Updates have been made collaboratively as needed to ensure that the agreements remain relevant and effective in addressing evolving public safety needs.

In response to Chair Cayetano's specific questions about mutual aid agreements with certain federal agencies, Deputy Chief Tate clarified that the "general understanding" referenced in older compendiums were previously termed "verbal understandings." These are not formal agreements, but rather statements outlining how BPD would interact with or request assistance from the listed agencies. The Chair has requested further clarification on the distinction between a general understanding and a verbal

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<sup>3</sup> 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>

understanding. In particular, the Chair is awaiting a response from the department to address the following points:

- Were these informal understandings reviewed by the City Attorney?
- Were the informal understandings negotiated or discussed with the relevant federal agency?
- Were they policy directives that BPD officers were expected to follow?

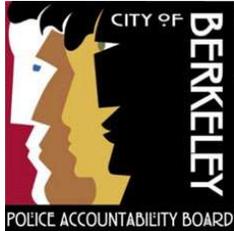
**Next Steps:**

The BPD has confirmed that the MOUs and MAAs previously provided to the PAB, last updated in 2018, are the most up-to-date versions. If the PAB wishes to provide input on any of these agreements, it will be reviewing the latest versions and making recommendations in accordance with Berkeley City Charter Section 125(3)(a)(2).<sup>4</sup>

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<sup>4</sup> Berkeley City Charter Section 125(3)(a)(2): [https://berkeley.municipal.codes/Charter/125\(3\)\(a\)\(2\)](https://berkeley.municipal.codes/Charter/125(3)(a)(2))

Item 9.c. - ODPa Memorandum Titled "PAB Observations and Recommendation's on the 2024 BPD Annual Report"

**MEMORANDUM**

**Date:** Friday, April 04, 2025  
**To:** Jennifer Louis, Chief of Police  
Jen Tate, Deputy Chief of Police  
**CC:** Honorable Mayor Ishii and Members of the City Council  
Paul Buddenhagen, Berkeley City Manager  
David White, Deputy City Manager  
**From:** Police Accountability Board (PAB)  
Hansel Aguilar, Director of Police Accountability (DPA)  
**Subject:** PAB Observations and Recommendation's on the 2024 BPD Annual Report

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This memorandum formally presents the PAB's observations, deliberations and recommendations regarding the 2024 Berkeley Police Department (BPD) Annual Report<sup>1</sup>.

These observations reflect the discussion and feedback from the PAB's March 19, 2025 Regular Meeting<sup>2</sup>. The Office of the Director of Police Accountability (ODPA) memo<sup>3</sup> to the PAB, "Review of the 2024 BPD Annual Report – Notable Trends & Oversight Considerations," was analyzed to assess operational trends, policy developments, and data presented in the 2024 BPD Annual Report. Following review and deliberation, the PAB offers the following recommendations for the consideration of the City Council and BPD.

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<sup>1</sup> 2024 Berkeley Police Department (BPD) Annual Report:

<https://berkeleyca.gov/sites/default/files/documents/BPD%202024%20Annual%20Report.pdf>

<sup>2</sup> March 19<sup>th</sup>, 2025 PAB Regular Meeting: [https://youtu.be/OxT6Jf7nMes?si=hHueThtWfU\\_cqrQq&t=4207](https://youtu.be/OxT6Jf7nMes?si=hHueThtWfU_cqrQq&t=4207)

<sup>3</sup> Memorandum from Director Aguilar titled "Review of the 2024 Berkeley Police Department (BPD) Annual Report – Notable Trends & Oversight Considerations": [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-03-19%20PAB%20Regular%20Meeting%20SuppPacket%201\\_Final.pdf#page=2](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-03-19%20PAB%20Regular%20Meeting%20SuppPacket%201_Final.pdf#page=2)

## I. Use of Force Reporting

The PAB<sup>4</sup> acknowledges the BPD’s intent to modify Level 1 Use of Force (UOF) reporting as recommended in the 2024 Citygate report<sup>5</sup> and noted on page 25 of the BPD’s report under “Calls for Service and Use of Force Incident,” to better align with practices in other jurisdictions. However, the PAB is concerned that removing this reporting level could diminish transparency and impact effective oversight.

**PAB Recommendations:** Conduct a comprehensive impact analysis on the elimination of Level 1 UOF reporting and identify alternative tracking methods to uphold transparency and accountability.

## II. Notification and Consultation on Policy Changes

The PAB<sup>6</sup> stresses the importance of consistent notification and consultation when departmental policies are newly adopted or revised. At the February 5, 2025 Regular Meeting<sup>7</sup>, the PAB approved a memorandum submitted by the ODPa titled, “Proposed procedure for the BPD to submit all newly adopted and revised departmental policies to the PAB, per Section 125(17)<sup>8</sup> of the Berkeley City Charter<sup>9</sup>.”

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<sup>4</sup> March 19<sup>th</sup>, 2025 PAB Meeting: <https://youtu.be/0xT6Jf7nMes?si=qvJz4VfflhakMY0J> [relevant comments 1:14:05-1:15:12]

<sup>5</sup> Citygate Report:

<https://berkeleyca.gov/sites/default/files/documents/Berkeley%20Workload%20Organizational%20Study%20of%20the%20Police%20Department%20%2809-04-24%29.pdf#page=92>

<sup>6</sup> March 19<sup>th</sup>, 2025 PAB Meeting: <https://youtu.be/0xT6Jf7nMes?si=-DH4fQINShqrH6MB&t=4700> [relevant comments 1:18:20-1:18:42]

<sup>7</sup> February 5<sup>th</sup>, 2025 PAB Meeting: [https://youtu.be/ASMB3\\_LiNqQ?si=qRi-Gmb0lxgKS4id&t=3947](https://youtu.be/ASMB3_LiNqQ?si=qRi-Gmb0lxgKS4id&t=3947) [relevant comments 1:05:47–1:09:13]

<sup>8</sup> Berkeley Charter Section 125(17), Policy review and approval: [https://berkeley.municipal.codes/Charter/125\(17\)](https://berkeley.municipal.codes/Charter/125(17))

<sup>9</sup> Memorandum from PAB Policy Subcommittee titled “Proposed procedure for the BPD to submit all newly adopted and revised departmental policies to the PAB, per Section 125(17) of the Berkeley City Charter”:

[https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-02-05%20PAB%20Regular%20Meeting%20Packet\\_Amendment\\_0.pdf#page=58](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-02-05%20PAB%20Regular%20Meeting%20Packet_Amendment_0.pdf#page=58)

Given that the Charter allows the Police Chief discretion in identifying which policy changes are significant, the PAB's Policy Subcommittee developed guidelines<sup>10</sup>. These guidelines offer practical recommendations to ensure consistent and transparent engagement.

**PAB Recommendations:** Establish a formal notification and consultation protocol for significant policy changes, incorporating clear criteria as developed by the PAB's Policy Subcommittee.

### III. Annual Use of Force Review

The PAB<sup>11</sup> notes that a formal annual review of the BPD's Use of Force policy<sup>12</sup> for calendar year 2025 has not been completed. During the November 13, 2024, Regular Meeting<sup>13</sup>, the PAB and BPD discussed the agenda item, "Discussion and Action on the Annual Review of the Use of Force Policy to Reflect Developing Practices and Procedures Per SB 230<sup>14</sup> and BPD Policy 300.13<sup>15</sup> - "Policy Review and Updates." BPD<sup>16</sup> indicated that legislative updates were underway, with an anticipated completion date of January 2025 and expressed intent to collaborate with the PAB Policy Subcommittee. At

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<sup>10</sup> Memorandum from PAB Policy Subcommittee titled "Proposed procedure for the BPD to submit all newly adopted and revised departmental policies to the PAB, per Section 125(17) of the Berkeley City Charter":

[https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-02-05%20PAB%20Regular%20Meeting%20Packet\\_Amendment\\_0.pdf#page=61](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-02-05%20PAB%20Regular%20Meeting%20Packet_Amendment_0.pdf#page=61)

<sup>11</sup> March 19<sup>th</sup>, 2025 PAB Meeting: <https://youtu.be/OxT6Jf7nMes?si=vyrzaligvd3q5orG&t=4521> [relevant comments 1:15:21-1:15:52]

<sup>12</sup> BPD UOF Policy: [https://berkeleyca.gov/sites/default/files/2022-05/Use\\_of\\_Force.pdf](https://berkeleyca.gov/sites/default/files/2022-05/Use_of_Force.pdf)

<sup>13</sup> November 13<sup>th</sup>, 2024 PAB Meeting: [https://youtu.be/aXGwAKiPZCw?si=r\\_F34z1rGHsQBdEZ&t=3000](https://youtu.be/aXGwAKiPZCw?si=r_F34z1rGHsQBdEZ&t=3000) [relevant comments 50:00-54:35]

<sup>14</sup> Senate Bill - SB 230: [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=2019202005B230](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=2019202005B230)

<sup>15</sup> BPD Policy 300.13: [https://berkeleyca.gov/sites/default/files/2022-05/Use\\_of\\_Force.pdf#page=18](https://berkeleyca.gov/sites/default/files/2022-05/Use_of_Force.pdf#page=18)

<sup>16</sup> November 13<sup>th</sup>, 2025 PAB meeting: [https://youtu.be/aXGwAKiPZCw?si=L7TjrNNQ\\_sb0nRk1&t=3295](https://youtu.be/aXGwAKiPZCw?si=L7TjrNNQ_sb0nRk1&t=3295) [relevant comments 54:55-55:25]

**DRAFT**

the March 19, 2025 Regular Meeting, the PAB<sup>17</sup> proposed re-engaging<sup>18</sup> the BPD to initiate the review process and to follow up on outstanding questions, including UOF report completion timelines.

Additionally, the PAB<sup>19</sup> suggested revising current UOF metrics presented on pages 25-26 of the BPD's Annual Report, particularly questioning the efficacy of using "calls for service" as a denominator, and advised BPD to develop more targeted metrics to accurately capture force-prone interactions.

**PAB Recommendations:** Coordinate with the PAB to conduct the annual Use of Force policy review as mandated by BPD Policy 300.13 "Policy Review and Updates."<sup>20</sup> Collaboratively revise metrics to better reflect high-risk interactions and follow up on outstanding data requests regarding UOF reporting and timelines.

#### IV. Racial Disparities and Data Analysis

The PAB<sup>21</sup> observed that while the 2024 BPD Annual Report includes stop data analysis under its "Accountability" section on pages 22 – 24 of their report, it lacks explicit analysis of progress in reducing disparities or linking outcomes to policy changes. The 2024 PAB Report on Fair and Impartial Policing (FIP)<sup>22</sup> noted that racial disparities in pedestrian stops have increased substantially, while racial disparities in vehicle stops have slightly

<sup>17</sup> March 19<sup>th</sup>, 2025 PAB Meeting: [https://youtu.be/0xT6Jf7nMes?si=p\\_ZmJ1qibrQCcjdj&t=4957](https://youtu.be/0xT6Jf7nMes?si=p_ZmJ1qibrQCcjdj&t=4957) [relevant comments at 1:22:37-1:23:19]

<sup>18</sup> March 19<sup>th</sup>, 2025 PAB Meeting: <https://youtu.be/0xT6Jf7nMes?si=tpv9luW2bbTP1-3N&t=5006> [relevant comments at 1:23:26-1:24:17]

<sup>19</sup> March 19<sup>th</sup>, 2025 PAB Meeting: <https://youtu.be/0xT6Jf7nMes?si=S90JZKIYi4Uyzbq-&t=4727> [relevant comments 1:18:47-1:19:51]

<sup>20</sup> BPD Policy 300.13 "Policy Review and Updates:"

[https://berkeleyca.gov/sites/default/files/documents/RELEASE\\_20240301\\_T161429\\_Berkeley%20PD%20Policy%20Manual.pdf#Page=74](https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=74)

<sup>21</sup> March 19<sup>th</sup>, 2025 PAB Meeting: <https://youtu.be/0xT6Jf7nMes?si=kkqpfj0tK9ZRN3Dj&t=4797> [relevant comments 1:19:57-1:21:41]

<sup>22</sup> 2024 Police Accountability Board Report: Fair and Impartial Policing Implementation:

[https://berkeleyca.gov/sites/default/files/documents/2024%20PAB%20Report\\_FIP%20Implementation\\_Final.pdf#page=22](https://berkeleyca.gov/sites/default/files/documents/2024%20PAB%20Report_FIP%20Implementation_Final.pdf#page=22)

decreased. Specifically, Black pedestrians are now 8.3 times<sup>23</sup> more likely to be stopped than White pedestrians. The PAB<sup>24</sup> also recommends evaluating outcomes of vehicle stops before and after the implementation of Automated License Plate Reader (ALPR) technology to better assess potential disparities.

**PAB Recommendation:** The PAB's 2024 FIP Report includes a recommendation to "Establish metrics to assess the success of FIP directive implementation." Currently, the BPD appears to be focused entirely on policy, and on tests of bias, as evidenced in its recently published Annual Report. The PAB has focused instead on outcomes, addressing the key question of whether racial disparities have decreased in any of the areas subject to FIP directives<sup>25</sup>." The PAB advises BPD to conduct a deeper analysis of racial disparities in stops, searches, citations and use of force, while also including segregated ALPR stop data in future reporting to assess whether these technologies are contributing to biased enforcement.

## V. Recognition of PAB Oversight Role

The PAB<sup>26</sup> noted that the 2024 BPD Annual Report failed to reference the PAB under its "Accountability" section on page 22 of their report. Furthermore, the PAB noted that there was a lack of aggregated data on the number of complaints made against the BPD within the 2024 BPD annual report<sup>27</sup>. The PAB noted that many other jurisdictions report on complaints within their annual report as a common practice.

**PAB Recommendations:** Future BPD Annual Reports should acknowledge the PAB's oversight role and contributions to public accountability, including a section on the partnership's outcomes and personnel complaint data.

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<sup>23</sup>PAB: Fair and Impartial Policing Implementation Report:

[https://berkeleyca.gov/sites/default/files/documents/2024%20PAB%20Report\\_FIP%20Implementation\\_Final.pdf#page=8](https://berkeleyca.gov/sites/default/files/documents/2024%20PAB%20Report_FIP%20Implementation_Final.pdf#page=8)

<sup>24</sup> March 19<sup>th</sup>, 2025 PAB Meeting: <https://youtu.be/OxT6Jf7nMes?si=koyZl1CJRaNNWn8j&t=4938> [relevant comments 1:22:18-1:22:39]

<sup>25</sup> 2024 Police Accountability Board Report: Fair and Impartial Policing Implementation:

[https://berkeleyca.gov/sites/default/files/documents/2024%20PAB%20Report\\_FIP%20Implementation\\_Final.pdf#page=25](https://berkeleyca.gov/sites/default/files/documents/2024%20PAB%20Report_FIP%20Implementation_Final.pdf#page=25)

<sup>26</sup> March 19<sup>th</sup>, 2025 PAB Meeting: <https://youtu.be/OxT6Jf7nMes?si=dNu3z5Qg8YK14If9&t=5275> [relevant comments 1:27:55-1:28:25]

<sup>27</sup> March 19<sup>th</sup>, 2025 PAB Meeting: <https://youtu.be/OxT6Jf7nMes?si=Eb7xmn9fbe4JjV93&t=5326> [relevant comments 1:28:46-1:29:42]

**DRAFT**

## VI. Broader Oversight and Council Direction

The PAB underscores<sup>28</sup> the importance of City Council leadership in setting clear expectations for both the BPD and the PAB. Key initiatives such as the Specialized Care Unit (SCU), Crisis Intervention Team (CIT), and the Citygate Report were notably absent from the 2024 BPD Annual Report. Additionally, the PAB<sup>29</sup> highlighted the importance of City Council's role in identifying appropriate comparator jurisdictions for Berkeley.

**Recommendations:** The City Council should adopt the metrics and reporting recommendations presented by the PAB in their 2024 FIP Report<sup>30</sup>, which include establishing outcome-focused metrics<sup>31</sup> to assess whether racial disparities in policing are decreasing, requiring biannual BPD reporting on traffic stops, searches, arrests, and calls for service disaggregated by race and supervision status, and eliminating reporting requirements for directives the PAB deems fully implemented. The report also outlines recommendations to refine BPD's three-prong approach to traffic stops, develop an evidence-based definition for stops of criminal suspects, enhance implicit bias training, strengthen auditing under the Early Intervention System, and improve transparency around consent searches, warrantless searches, profiling by proxy, and community engagement practices. Collectively, these measures are designed to ensure that policy reforms translate into meaningful changes in police practices and outcomes.

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<sup>28</sup> March 19<sup>th</sup>, 2025 PAB Meeting: <https://youtu.be/0xT6Jf7nMes?si=pqWOM8aX9PilC1j3&t=5143> [relevant comments 1:25:43-1:27:15]

<sup>29</sup> March 19<sup>th</sup>, 2025 PAB Meeting: <https://youtu.be/0xT6Jf7nMes?si=FkSMqiHZQgin4cif&t=5236> [relevant comments 1:27:16-1:27:53]

<sup>30</sup> PAB: Fair and Impartial Policing Implementation Report:

[https://berkeleyca.gov/sites/default/files/documents/2024%20PAB%20Report\\_FIP%20Implementation\\_Final.pdf](https://berkeleyca.gov/sites/default/files/documents/2024%20PAB%20Report_FIP%20Implementation_Final.pdf)

<sup>31</sup> This recommendation was also reflected in the PAB's budget recommendations for the BPD's Fiscal Year 2024–2025 budget. For further details, refer to the April 24, 2024 memorandum from the Budget & Metrics Subcommittee, titled "Preliminary Review and Recommendations Regarding the Berkeley Police Department's FY 2025–2026 Budget:" [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2024-04-24%20PAB%20Special%20Meeting%20Supplemental%20Material\\_Final.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2024-04-24%20PAB%20Special%20Meeting%20Supplemental%20Material_Final.pdf)

Legislative Updates Relevant to the PAB's Work



**MEMORANDUM**

**Date:** April 4, 2025  
**To:** Honorable Members of the Police Accountability Board  
**From:** Hansel Aguilar, Director of Police Accountability *HA*  
 Jose Murillo, ODPa Policy Analyst *JM*  
**Subject:** Legislative Updates

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

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

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

NAME OF LEGISLATION	STATUS	SUMMARY/PURPOSE
<a href="#"><u>SB 385 “Peace Officers”</u></a>	(Introduced) 2025-03-28 - Set for hearing April 7	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.
<a href="#"><u>AB1178 “Peace Officers”</u></a>	(Introduced) 2025-03-24 -	This bill expands redaction requirements under the California Public Records Act, requiring law enforcement agencies to

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

<a href="#"><u>Confidentiality of Records</u></a>	Referred to Com. on PUB. S.	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.
<a href="#"><u>SB707 “Open Meetings: Meeting and teleconference requirements”</u></a>	(Introduced) 2025-03-24 - Set for hearing April 2.	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.

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:

SOURCE	LINK
<b>BPD Policy 1505 “2024 Legislative Update”</b>	<a href="https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#page=1037">https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#page=1037</a>
<b>BPD Policy 1506 “2025 Legislative Update”</b>	<a href="https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#page=1042">https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#page=1042</a>
<b>The California Peace Officers Association also provides a yearly California Legislative and Legal Digest.</b>	<a href="https://cpoa.org/wp-content/uploads/2024/11/2025-Legislative-Legal-Digest.pdf">https://cpoa.org/wp-content/uploads/2024/11/2025-Legislative-Legal-Digest.pdf</a>

### Lexipol Policy Updates

The following BPD policies have been updated since the last PAB meeting on March 19, 2025:

BPD Policy No.	Title	Changes
<b>306</b>	Firearms	Small grammatical adjustment.
<b>313</b>	Senior and Disability Victimization	Small grammatical adjustment and updated to pronouns.
<b>419</b>	Field Training Officer Program	Modifications were made to clarify the requirement for completing a POST-approved field training program.
<b>1000</b>	Recruitment and Selection	Includes the National Decertification Index as a record to be considered in the candidate selection process.
<b>1007</b>	Sick Leave	Updated relevant language and government code for Government Code Section 12945.8.
<b>1027</b>	Temporary Modified-Duty Assignments	Elaborates on section 1027.9 "Pregnancy" and accommodations for pregnancy, childbirth, or related medical conditions.

**City of Berkeley Council Meeting Updates**

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

**Agenda 15, 2025 Regular Meeting<sup>2</sup>**

ITEM	DESCRIPTION	RECOMMENDATION
3	<a href="#">Police Accountability Board – Appointment of New Member</a>	Adopt a resolution appointing a new member to the PAB nominated by Vice-Mayor Bartlett.
6	<a href="#">Contract No. 32200086 Amendment: Crisis Services of Alameda County for Mental Health Crisis Line</a>	Recommendation to authorize the City Manager to amend Contract No. 32200086 with Crisis Services of Alameda County, increasing funding by \$50,001 and extending the contract through June 30, 2028, for a total not-to-exceed amount of \$100,000 for Mental Health Crisis Line services.
10	<a href="#">Proclamation of the City of Berkeley Designating April 17 as Police Accountability Day</a>	Recommendation to adopt a proclamation declaring April 17 as Police Accountability Day to honor the establishment of civilian oversight in Berkeley, reaffirm the City’s commitment to police accountability and transparency, and encourage collaboration on public awareness initiatives.
11a	<a href="#">Berkeley Police Department Texting Offences: An Independent Investigation by the Police Accountability Board</a>	See agenda.
11b	<a href="#">Resolution: Affirming Support for Berkeley Police Department, Police Accountability Board, and</a>	Adopt a Resolution affirming support for BPD, acknowledging the PAB and ODPA’s work in investigating the

<sup>2</sup> Agenda 15, 2025 Council Regular Meeting Agenda: <https://berkeleyca.gov/city-council-regular-meeting-eagenda-april-15-2025>

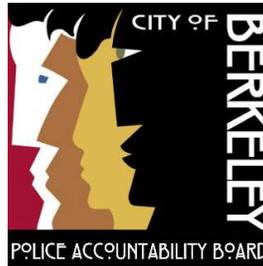
	<a href="#">Office of the Director of Police Accountability in Response to Downtown Task Force Texting Offenses Investigation</a>	Downtown Task Force texting offenses, and endorsing recommendations for trust and accountability. The Resolution also condemns racism and misconduct, opposes arrest quotas, and urges the California Legislature to extend the prohibition on arrest quotas beyond the Vehicle Code.
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**Informational Reports of Interest**

Report No.	Title	Author
29	<a href="#">Police Accountability Board Recommendation: Former Board Member Recognition</a>	PAB
30	<a href="#">City Auditor’s Office 2024 Peer Review Results</a>	City Auditor

Policy Review Status Updates

Updated April 4, 2025



# POLICY REVIEW STATUS REPORT

## Guiding Authority

*Section 125(3)(a)(1) and Section 125(17)(a) of the Berkeley City Charter<sup>1</sup>*

## Case Load Overview

As of March 13, 2025, the Police Accountability Board (PAB) has 14 open policy reviews. There has been 1 new policy review submitted to the PAB since the last meeting on March 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.

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

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

Updated April 4, 2025

### Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

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

### Summary

The policy review began from a complaint alleging excessive force by BPD during an arrest, which was paused for a criminal matter. After the complainant's release on April 15, 2022, the investigation resumed, leading to the complaint being closed and a policy review initiated to further verify and specify the use of force incident.

### Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

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

### Summary

The policy review began from a self-initiated complaint about an individual's death at Alta Bates Summit Medical Center, alleging improper use of force or handcuffs by BPD. The complaint was closed administratively, and while the ODPA has not verified the allegations, Berkeleyside reported that BPD stated the DA's office found no force was used and did not classify it as an in-custody death.

### Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

<b>Policy Review Number</b>	19
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Updated April 4, 2025

<b>Policy Topic</b>	Detention of Inebriated Individuals
<b>Relevant Policy</b>	BPD Policy 900 "Temporary Custody of Adults"
<b>Status</b>	Records Obtained; Review in Progress
<b>Date Presented to the PAB</b>	1/31/2023
<b>Anticipated Completion</b>	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
<b>Assigned To</b>	ODPA

#### Summary

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.

#### Activity Report

The ODPA has received the requested footage related to the incident and is currently reviewing it to gather information that may help provide additional context and inform its assessment. The ODPA plans to present this report at the April 23, 2025 PAB Regular Meeting.

<b>Policy Review Number</b>	2023-PR-0006
<b>Policy Topic</b>	Parking Enforcement Practices
<b>Relevant Policy</b>	BPD Policy 500 "Traffic Function and Responsibility" BPD Policy 502 "Vehicle Towing and Release" BPD Policy 507 "72-Hour Parking Violations"
<b>Status</b>	Review In Progress
<b>Date Presented to the PAB</b>	10/11/2023
<b>Anticipated Completion</b>	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
<b>Assigned To</b>	PAB – Assigned to Board Member Moore

#### Summary

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.

#### Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

Updated April 4, 2025

<b>Policy Review Number</b>	2023-PR-0007 <sup>2</sup>
<b>Policy Topic</b>	Restraining Orders & Interactions with the Elderly
<b>Relevant Policy</b>	BPD Policy 313 "Senior and Disability Victimization" BPD Policy 430 "Civil Disputes"
<b>Status</b>	Review In Progress; Records Obtained
<b>Date Presented to the PAB</b>	7/24/2024
<b>Anticipated Completion</b>	March 5, 2025
<b>Assigned To</b>	ODPA

#### Summary

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.

#### Activity Report

The ODPA held a focus group at the North Berkeley Senior Center on February 7, 2025. The information collected is currently being reviewed for potential inclusion in the final report. In addition, ODPA staff is examining historical complaint data for cases with similarities to the incident that prompted this policy review, in order to identify any practices or patterns that may be addressed in the report. Additional request for records to further inform this review are anticipated.

<b>Policy Review Number</b>	2023-PR-0008
<b>Policy Topic</b>	Off-Duty Conduct
<b>Relevant Policy</b>	BPD Policy 321 "Standard of Conduct" BPD Policy 401 "Fair and Impartial Policing" BPD Policy 344 "Off-Duty Law Enforcement Actions"
<b>Status</b>	Review in Progress; Assigned to Policy Review Subcommittee
<b>Date Presented to the PAB</b>	10/11/2023
<b>Anticipated Completion</b>	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
<b>Assigned To</b>	PAB – Assigned to Policy Review Subcommittee

<sup>2</sup> 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.

Updated April 4, 2025

### Summary

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 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.

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

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

*Updated April 4, 2025*

<b>Policy Review Number</b>	2024-PR-0004
<b>Policy Topic</b>	Artificial Intelligence (AI) Assisted Report Writing
<b>Relevant Policy</b>	BPD Policy 323 "Report Preparation"
<b>Status</b>	Open
<b>Date Presented to the PAB</b>	6/5/2024
<b>Anticipated Completion</b>	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
<b>Assigned To</b>	ODPA
<b>Summary</b>	
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.	
<b>Activity Report</b>	
Evaluating for potential referrals to subcommittee or PAB members.	

<b>Policy Review Number</b>	2024-PR-0005
<b>Policy Topic</b>	BPD Relationship with Downtown Berkeley Ambassadors
<b>Relevant Policy</b>	BPD Policy 300 "Use of Force" BPD Policy 425 "Body Worn Cameras"
<b>Status</b>	Pending Acceptance
<b>Date Presented to the PAB</b>	10/30/2024
<b>Anticipated Completion</b>	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
<b>Assigned To</b>	ODPA
<b>Summary</b>	
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.	
<b>Activity Report</b>	
Evaluating for potential referrals to subcommittee or PAB members.	

<b>Policy Review Number</b>	2024-PR-0006
<b>Policy Topic</b>	BPD's Use of the Specialized Care Unit
<b>Relevant Policy</b>	BPD Policy 409 "Crisis Intervention" BPD Policy 410 "Mental Illness Commitments"
<b>Status</b>	Open
<b>Date Presented to the PAB</b>	11/13/2024

*Updated April 4, 2025*

<b>Anticipated Completion</b>	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
<b>Assigned To</b>	ODPA
<b>Summary</b>	
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.	
<b>Activity Report</b>	
Evaluating for potential referrals to subcommittee or PAB members.	

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

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

*Updated April 4, 2025*

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.

#### **Activity Report**

Board Member Calavita and Policy Analyst Murillo met on March 12, 2025, to review policies from other local jurisdictions and explore best practices regarding subject officer interactions with complainants. Comparable policies have been identified, and current research efforts are focused on evaluating recommended best practices in the field and their feasibility.