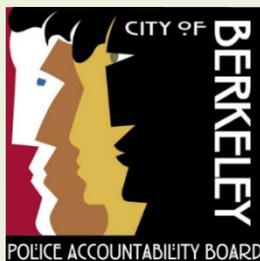


Page numbers for this agenda packet are marked in **blue** to distinguish them from the numbering within individual documents.



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA PACKET
May 7, 2025
6:30 PM**

Board Members

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

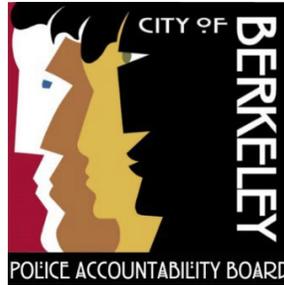
MEETING LOCATION

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

Item	Description	Page
2	May 7, 2025 PAB Regular Meeting Agenda	1
4	Minutes for the Regular Meeting of April 23, 2025	7
8	PAB Subcommittee List	13
9.b.	ODPA Memorandum to the PAB Titled "Follow-Up Memorandum on ODPA Presentation of Police Review Report No. 19: 'Detention and Release of Inebriated Individuals'"	16
9.d.	ODPA Memorandum to the PAB Titled "Proposed Adjustments to the 2025 Police Accountability Board Meeting Calendar"	32
9.e.	PAB's May 1, 2025 Letter to Council and Respective Press Release	38
Off Agenda Reports & Correspondences		
	Legislative Updates Relevant to the PAB's Work	44
	Policy Review Status Updates	50
	List of Pending PAB Request	59

Item 2

May 7, 2025 PAB Regular Meeting Agenda



POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA
WEDNESDAY, May 7, 2025
6:30 P.M.

Board Members

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

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 Chochoyeno (Chochoen-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 April 23, 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 (1 HOUR 20 MINUTES)

- a. Discussion and action on the City of Berkeley's Records Retention Schedule (Leftwich) – (10 Minutes)
 - i. Berkeley Police Department Retention Schedule
 - ii. PAB-ODPA Retention Schedule
- b. Follow-up discussion and action on the memorandum providing additional information requested by the PAB following ODPA's presentation of Policy Complaint No. 19 regarding the detention and release of inebriated individuals. (ODPA) – (15 Minutes)
- c. Discussion and action on the PAB-ODPA 2024 Annual Report Draft (ODPA) – (20 Minutes)
- d. Discussion and action on the proposed amendments to the PAB's 2025 Regular Meeting Schedule (Cayetano) – (5 Minutes)
- e. Recap, discussion, and action on the next steps for the PAB's review of the 2024 BPD Controlled Equipment Report (Cayetano) – (10 Minutes)
 - i. PAB's May 1, 2025 Letter to Council
 - ii. Council's May 5, 2025 Agenda and Rules Committee Update
- f. Discussion and action regarding the BPD's Mutual Aid Agreements¹ with federal immigration officials² (Cayetano) – (20 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.

¹ The full compendium of BPD Agreements, Understandings, and Policies Existing between the Berkeley Police Department and Other Law Enforcement Agencies can be found here: <https://acrobat.adobe.com/link/review?uri=urn%3Aaid%3Aascds%3AUS%3A3a637aa7-7359-45a1-81ed-dee245c93f83>

² On April 23, 2025, Chief Louis shared a memorandum dated September 13, 2018, from former Chief Greenwood, titled "Disposition of MOU Compendium Item 3.4, regarding Berkeley Police Department interaction with U.S. Immigration and Customs Enforcement" which is relevant to the proposed discussion: <https://records.cityofberkeley.info/PublicAccess/api/Document/AeaHRx5Q%C3%894PqxrRi8uAfvuguw1ugL7qIMK7bKOtOdoPfZOOj1le1HG10M26eU5oLwKKJYvCUTOu18ymn60ZTrc8%3D/>

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-0006 |
| ii. | 2024-CI-0003 | xi. | 2025-CI-0007 |
| iii. | 2024-CI-0004 | xii. | 2025-CI-0008 |
| iv. | 2024-CI-0009 | xiii. | 2025-CI-0009 |
| v. | 2024-CI-0025 | xiv. | 2025-CI-0010 |
| vi. | 2025-CI-0001 | xv. | 2025-CI-0013 |
| vii. | 2025-CI-0002 | xvi. | 2025-CI-0014 |
| viii. | 2025-CI-0003 | xvii. | 2025-CI-0015 |
| ix. | 2025-CI-0004 | | |

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
3. List of Pending PAB Requests

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

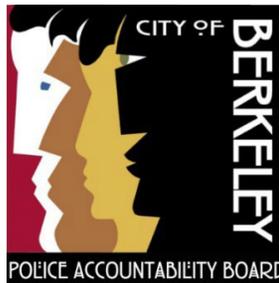
Item 4

Minutes for the Regular Meeting of April 23, 2025

DRAFT

Public

1



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING MINUTES
WEDNESDAY, APRIL 23, 2025
6:30 P.M.**

Board Members

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

Meeting Recordings: <https://youtu.be/O6T wz Gm Hcb4?si=g3kcoWIKiXG2rRom>

Minutes

1. CALL TO ORDER AND ROLL CALL AT 6:35 PM

Present: Board Member Joshua Cayetano (Chair)
Board Member Leah Wilson (Vice Chair)
Board Member Kitty Calavita
Board Member Juliet Leftwich
Board Member Randy Wells¹
Board Member Edmonds

Absent: Board Member David Williams²

ODPA Staff: Hansel Aguilar, Director of Police Accountability
Syed Mehdi, Data Analyst
Jose Murillo, Policy Analyst
Jayson Wechter, ODPa Investigator

BPD Staff: Arlo Malmberg, OSPA³ Manager
Lieutenant Bonaventure

¹ Board Member Wells arrived after roll call at 6:51 PM

² Board Member Williams is on an extended leave of absence until June 19, 2025.

³ Office of Strategic Planning and Accountability

2. ADMINISTERING OATH OF OFFICE & CONFIDENTIALITY TO NEW BOARD MEMBER (ODPA)

- a. District 3 - Macharia Edmonds (nominated by Vice-Mayor Bartlett)

Policy Analyst Murillo administers the Oath of Office and Confidentiality to Board Member Edmonds. Board Member Edmonds introduces himself to the PAB.

3. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Leftwich/Calavita) Motion carried.

Ayes: Cayetano, Calavita, Edmonds, Leftwich, and Wilson.

Noes: None. Abstain: None. Absent: Wells and Williams

4. PUBLIC COMMENT

1 *Physically Present Speaker*

1 *Virtually Present Speaker*

5. APPROVAL OF MINUTES

- a. Minutes for the Regular Meeting of April 9, 2025

Motion to approve the minutes for the Regular Meeting of April 9, 2025

Moved/Second (Leftwich/Calavita) Motion carried.

Ayes: Cayetano, Calavita, Edmonds, Leftwich, and Wilson.

Noes: None. Abstain: None. Absent: Wells and Williams

6. ODPa STAFF REPORT

Director Aguilar provides the PAB with several updates, including an off-agenda memo regarding the transfer of the SCU to the county⁴, the City of Berkeley's hiring freeze⁵, Jayson Wechter's transition from the ODPa, and available NACOLE training opportunities.⁶ Upcoming NACOLE webinars will cover the following topics: "Understanding Civilian Oversight's Fast-Changing Legal Landscape" on April 25, "The New World of Artificial Intelligence: Opportunities for Police Oversight Practitioners" on June 12, and "Hate Crimes, Explicit Bias, and Implicit Bias: Evolution of Standards for Decertification of Police Officers in California" on August 6, 2025.

⁴ Off-Agenda Memo from the City Manager to the City Council, dated April 22, 2025, titled "Specialized Care Unit": <https://berkeleyca.gov/sites/default/files/documents/2025-04-22%20%20%20%20Specialized%20Care%20Unit.pdf>

⁵ Berkeleyside article titled "City Manager Institutes Hiring Freeze as Berkeley Faces Budget Deficit": https://www.berkeleyside.org/2025/04/23/berkeley-hiring-freeze-budget-deficit?utm_source=Berkeleyside+newsletters&utm_campaign=83a26fd9ff-RSS_DAILY_BRIEFING&utm_medium=email&utm_term=0_8582aac18f-6348643cf5-333660993&goal=0_aad4b5ee64-83a26fd9ff-333660993&mc_cid=83a26fd9ff&mc_eid=508665be17

⁶ NACOLE Webinars can be found at the following link: <https://www.nacole.org/webinars>

7. CHAIR AND BOARD MEMBERS' REPORTS

Chair Cayetano thanks ODPa Investigator Wechter for his service to the City of Berkeley and the field of Civilian Oversight.

8. CHIEF OF POLICE'S REPORT

OSPAs Manager Malmberg provides updates on crime/cases of interest, community engagement/department events, staffing, training, and other items of interest on behalf of Chief Louis and Deputy Chief Tate. OSPAs Manager Malmberg further notes that the BPD is looking to bring their compendium of memorandums of understandings (MOUs) before Council in the coming summer.⁷

9. SUBCOMMITTEE REPORTS

The Regulations and Outreach Subcommittees share updates on their activities since the last meeting. The other subcommittees did not report any new developments. Board Member Calavita and ODPAs Analyst Murillo give a brief update on Policy Review 2025-PR-0001, which is assigned to Board Member Calavita.

10. DISCUSSION AND ACTION ITEMS

- a. Discussion regarding the BPD's Mutual Aid Agreements with other law enforcement agencies⁸ (continued discussion) (Cayetano)

No action is taken at this time, and the PAB will revisit the item at a future meeting. Board Members discuss the status of the BPD's MOUs and consider next steps for the PAB.

- b. Discussion and action on the ODPAs presentation of Policy Complaint #19 concerning the detention and release of inebriated individuals. (ODPA)

The PAB discuss the ODPAs report and deliberate on the recommendations.

Motion to approve Recommendation 1 of the ODPAs report with revisions, and to request a follow-up memorandum to the PAB addressing the question of the Specialized Care Unit's potential involvement in this incident.

Moved/Second (Wilson/Calavita) Motion carried.

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

Noes: None. Abstain: None. Absent: Williams

- c. Discussion and action on the list of pending PAB requests to City stakeholders

⁷ Before the meeting, Chief Louis shared a memorandum dated September 13, 2018, from former Chief Greenwood, titled "Disposition of MOU Compendium Item 3.4, regarding Berkeley Police Department interaction with U.S. Immigration and Customs Enforcement." This topic has been of particular interest to the PAB and is available here: <https://records.cityofberkeley.info/PublicAccess/api/Document/AeaHRx5Q%C3%894PqxrRi8uAfvugw1ugL7qIMK7bKOtOdoPfZOOj1le1HGfOM26eU5oLwKKJYvCUTOu18ymn60ZTrc8%3D/>

⁸ 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>

(ODPA)

No action is taken. The PAB and ODPA discuss the outstanding items, and the ODPA commits to including the list of pending requests as a standing item in future agenda packets.

- d. Recap, discussion, and action on the next steps after the PAB's presentation to City Council and the Public Safety Policy Committee (Cayetano)
 - i. Berkeley Police Department Texting Offenses: An Independent Investigation by the Police Accountability Board⁹

No action is taken. Chair Cayetano and Board Member Calavita provide an update on their presentation to the Council. The PAB discusses potential next steps.

- ii. Fair and Impartial Policing Implementation Report¹⁰

Chair Cayetano provides an update on the status of the FIP report presentation to the Public Safety Policy Committee (PSPC) and the related follow-up items. He presents the draft letter proposed for joint submission with the Chief to the PSPC. No further action is taken.

- e. Update, Discussion, and action on the BPD's 2024 Police Equipment and Community Safety Ordinance Report (Cayetano)

Chair Cayetano provides an update on the status of the PAB's data request to the BPD concerning their use of controlled equipment. The PAB discusses possible next steps.

Motion to send a letter to the Council, drafted by the ODPA on behalf of the PAB, stating that, due to the absence of requested data, the PAB is unable to effectively review the BPD's 2024 Controlled Equipment Report, and to designate Chair Cayetano to approve the final version of the letter.

Moved/Second (Calavita/Leftwich) Motion carried.

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

Noes: None. Abstain: None. Absent: Williams

11. PUBLIC COMMENT

0 Physically Present Speaker

1 Virtually Present Speaker

⁹ PAB Report "Berkeley Police Department Texting Offences: An Independent Investigation by the Police Accountability Board": https://berkeleyca.gov/sites/default/files/documents/2024-08-29%20BPD%20Texting%20Offenses_PAB%20Investigation%20Report_Final.pdf

¹⁰ PAB Report "Fair and Impartial Policing Implementation": https://berkeleyca.gov/sites/default/files/documents/2024%20PAB%20Report_FIP%20Implementation_Final.pdf

12. CLOSED SESSION**CLOSED SESSION ITEMS**

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

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

Director Aguilar updates the PAB on the status of open misconduct complaints received by the ODP. No actions were taken by 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/Cayetano). The meeting was adjourned at 9:42 PM by unanimous consent.

Item 8

PAB Subcommittee List

Updated on 5/2/2025



SUBCOMMITTEES LIST

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

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

Updated on 5/2/2025

LIAISON LIST²

Liaison Name	Assignment
Cayetano	Represent the PAB in the EIS Update Process
Wilson	Represent the PAB in FIP-related matters

POLICY COMPLAINTS ASSIGNED TO INDIVIDUAL BOARD MEMBERS³

Policy Review Number	Assigned Board Member
2023-PR-0006	Unassigned⁴
2024-PR-0003	Unassigned⁵
2025-PR-0001	Calavita

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

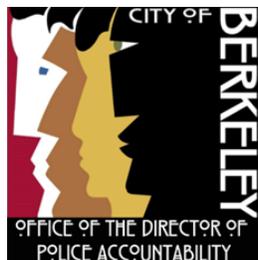
³ This list does not include policy complaints that were originally assigned to an individual Board Member but later assigned to a subcommittee.

⁴ Board Member Moore was previously assigned but is no longer on the Board

⁵ Board Member Moore was previously assigned but is no longer on the Board

Item 9.b.

ODPA Memorandum to the PAB Titled "Follow-Up Memorandum on
ODPA Presentation of Police Review Report No. 19: 'Detention and
Release of Inebriated Individuals'"



MEMORANDUM

Date: May 2, 2025

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

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

Subject: Follow-Up Memorandum on ODPa Presentation of Police Review Report No. 19: "Detention and Release of Inebriated Individuals"

This memorandum serves as a follow-up to the ODPa's April 23, 2025 presentation to the PAB regarding Police Review No. 19, titled "Detention and Release of Inebriated Individuals."¹

Background:

On April 23, 2025, the ODPa presented Policy Review No. 19, "Detention and Release of Inebriated Individuals," to the PAB. The report examined the death of a community member who was released from the Berkeley Police Department (BPD) jail following an arrest for Public Intoxication under Penal Code §647(f)² and a subsequent release under §849(b).³ The report included four recommendations for the PAB's consideration:

1. Revise policies to require medical clearance, incorporate objective assessment tools, and establish clear criteria for safe release
2. Expand diversion options beyond the Cherry Hill Sobering Center

¹ Policy Review Report No. 19 "Detention and Release of Inebriated Individuals":

https://berkeleyca.gov/sites/default/files/documents/Policy%20Review%20Report%2019_Detention%20and%20Release%20of%20Inebriated%20Individuals.pdf

² California Penal Code §647(f):

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=647.&lawCode=PEN

³ California Penal Code §849(b):

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=849.

3. Evaluate the use of technology to support public welfare
4. Advocate for statewide protective custody standards through the California Legislature

Following a detailed discussion, the PAB voted to adopt Recommendation 1, with the request that ODPa staff further refine the recommendation by developing clearer criteria for determining safe release and provide additional analysis on the potential role the Specialized Care Unit (SCU) could have played in this incident.⁴

As part of the follow-up, ODPa examined the following two questions that were raised by the Board:

1. What objective methods or tools are available to determine whether an individual is sober enough to be safely released from custody?
2. What role could the Specialized Care Unit (SCU) have played in this incident, and how might it be integrated into the response to individuals detained for public intoxication?

Based on this information, the ODPa updated the proposed policy recommendations initially presented on April 23rd.

Findings:

The following section outlines ODPa's findings and recommendations in response to the two questions regarding objective release criteria and the potential role of the Specialized Care Unit (SCU).

1. *What objective methods or tools are available to determine whether an individual is sober enough to be safely released from custody?*

Several objective methods and tools can be used to determine whether an individual is sober enough to be safely released from custody. These tools aim to assess the individual's level of intoxication and ability to care for themselves. Some common examples include:

- Standardized Field Sobriety Test (SFST): a set of three tests—Horizontal Gaze Nystagmus, Walk-and-Turn, and One-Leg Stand—used by law enforcement to assess a driver's impairment due to alcohol or drugs. Developed by the NHTSA,

⁴ PAB Regular Meeting Minutes for April 23, 2025: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Draft%20-%202025-04-23%20Regular%20Meeting%20Minutes.pdf>

these tests evaluate balance, coordination, and eye movement, and must be administered according to standardized procedures.⁵

- Breathalyzer Devices and Blood Alcohol Concentration (BAC) Thresholds: Breathalyzer devices are tools used to measure BAC by analyzing the alcohol content in a person's breath. Portable breathalyzers are used for initial roadside screenings, while evidential devices provide more accurate measurements at police stations. BAC is typically measured as a percentage of alcohol in the blood, with a common legal limit for driving set at 0.08%.⁶
- Clinical Assessment by Medical Staff: refers to the process by which healthcare professionals evaluate a patient's physical and mental state when presenting with substance intoxication. It includes gathering patient history, performing a physical examination, evaluating mental status, screening for coexisting conditions, and conducting laboratory tests to confirm the presence of substances. The aim is to ensure patient safety, identify the severity of intoxication, and determine appropriate treatment and follow-up care.⁷

These objective standards can be used standalone or in conjunction with one another to provide a comprehensive assessment of impairment due to alcohol or other substances, ensuring that individuals are fit for release and do not pose a risk to themselves or others.

The ODPa initially recommended updates to BPD Policy 431.9 "Sick or Injured Arrestee" and Policy 900.11.2 "Sober Release" to incorporate the use of breathalyzer devices,⁸ modeled after practices outlined in Massachusetts General Law Chapter 111B, Section 8.⁹ Following the PAB's discussion on April 23, the ODPa is now presenting

⁵ National Highway Traffic Safety Administration. (2023). DWI detection and standardized field sobriety testing: Participant manual. U.S. Department of Transportation. https://www.nhtsa.gov/sites/nhtsa.gov/files/2023-03/15911-SFST_Participant_Manual_2023-tag.pdf

⁶ Mason, P., & Horne, J. (2002). Alcohol breath testing. *The BMJ*, 325(7372), 711-714. <https://doi.org/10.1136/bmj.325.7372.711>

⁷ Sarkar, S., Bhatia, G., & Dhawan, A. (2023). Clinical practice guidelines for assessment and management of patients with substance intoxication presenting to the emergency department. *Indian Journal of Psychiatry*, 65(2), 196–211. https://doi.org/10.4103/indianjpsychiatry.indianjpsychiatry_490_22

⁸ Policy Review Report No. 19 "Detention and Release of Inebriated Individuals": https://berkeleyca.gov/sites/default/files/documents/Policy%20Review%20Report%2019_Detention%20and%20Release%20of%20Inebriated%20Individuals.pdf

⁹ Mass. Gen. Laws ch. 111B, § 8: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111B/Section8>

revised language for the Board’s consideration, which expands the proposed objective criteria to include Standardized Field Sobriety Tests (SFSTs) and clinical assessments by medical personnel. The updated policy recommendations are provided in Attachment 1.

2. *What role could the Specialized Care Unit (SCU) have played in this incident, and how might it be integrated into the response to individuals detained for public intoxication?*

The SCU became operational on September 5, 2023 and faced significant structural challenges which included staffing shortages and limited hours of operations.¹⁰ The SCU is a collaborative program between the City of Berkeley and Bonita House, Inc., providing crisis response services to all members of the Berkeley community. SCU staff gather basic information about the reported crisis, including behavioral history and medication use, to assess the situation. If appropriate, a crisis response team is dispatched in a dedicated van to a specified location within Berkeley, which may be either public or private.

Although the SCU is designed to address a broad range of behavioral health crises, it is not a replacement for all Fire or Police services. In situations that exceed the unit’s capacity, staff may refer individuals to other appropriate resources. The SCU is able to respond to incidents involving both adults and minors exhibiting symptoms such as suicidal ideation or self-harm, substance use issues, depression, acute anxiety, or sudden mood changes. Other notable services are that the SCU could provide “water, or other wellness supplies” or “referrals to community services.”¹¹

Although the incident reviewed in Policy Review Report Number 19 occurred before the launch of the SCU, it is still relevant to consider the role the SCU might have played, as well as the role it could play in similar situations moving forward, given that it will remain available as a resource—despite future management by the Alameda County Behavioral Health Care Services.¹² In this case, there were two points at which the SCU

¹⁰ April 22, 2025 Off-Agenda Memo to the City Council Titled “Specialized Care Unit”:

<https://berkeleyca.gov/sites/default/files/documents/2025-04-22%20%20%20%20%20Specialized%20Care%20Unit.pdf>

¹¹ SCU Brochure:

https://berkeleyca.gov/sites/default/files/documents/Berkeley%20Specialized%20Care%20Unit%20%28SCU%29%20Brochure_0.pdf

¹² April 22, 2025 Off-Agenda Memo to the City Council Titled “Specialized Care Unit”:

<https://berkeleyca.gov/sites/default/files/documents/2025-04-22%20%20%20%20%20Specialized%20Care%20Unit.pdf>

could have been considered—first, during the initial call for service, and second, at the time of the first officer contact following the individual’s release.

The initial call for service reported a community member who appeared to be publicly intoxicated and refused to leave the premises after allegedly being asked multiple times.¹³ The individual was reportedly informed that police would be contacted if he did not comply, to which he responded that staff were free to call and continued to refuse cooperation.¹⁴ Restaurant staff proceeded to call the police. Upon arrival, officers determined the man was intoxicated and unable to care for himself, and they assisted him toward their patrol car. One officer retrieved the individual's bottle and filled it with water, presumably in an effort to help him sober up.¹⁵ The community member remained cooperative with officers, and assuming the individual would have continued to cooperate with SCU staff, this responsibility could have theoretically been handled by SCU staff, who would have ensured their safety and connected them with an appropriate community resource.

The second instance where the SCU could have been involved, had it been available, occurred on January 9th, 2022, around 1:00 a.m., when a patrol officer noticed the community member sitting outside the police station after being released from custody earlier that night. The situation was considered unusual because the individual had remained in the same location without wandering, despite the cold weather, and was wearing clothing that was not appropriate for the conditions.¹⁶ Concerned about the cold, an officer brought blankets from the jail. The officer noted that the individual appeared agitated. In this instance, the SCU could have been called to confirm that the individual was not having a medical emergency and based on their evaluation, proceed with next steps that included potential transfer to another location, referral to a service provider (i.e. Cherry Hill Detoxification Center), or creating a safety plan to follow up with the individual.¹⁷

As the SCU transitions from a City of Berkeley-operated program to one overseen by Alameda County Behavioral Health Care Services, it is important that the PAB carefully

¹³ BPD Incident Report

¹⁴ Id.

¹⁵ Raguso, E. (2022, January 13). Berkeley police reviewing death of inebriated man who was released from custody. Berkeleyside. <https://www.berkeleyside.org/2022/01/13/berkeley-police-review-death-inebriated-man-released-from-custody>

¹⁶ ODPa Interview with Officer

¹⁷ City of Berkeley Department of Health, Housing, and Community Services. (2023, August 23). *Specialized Care Unit Pilot Program: Community Dialogue Update*. https://www.berkeleyscanner.com/content/files/2023/09/2023-0823-SCU-Update_FINALAug23.pdf

evaluate the implications of this shift within its review of the SCUs interactions with BPD (Policy Review Number 2024-CI-0006). While the SCU will no longer be housed within the City, its integration into Berkeley’s broader public safety framework remains critical. Under County management, key operational components for an effective mobile crisis response—such as a 24/7 crisis hotline, coordination with 988, 911, and behavioral health providers for dispatch, and mandated 72-hour follow-up check-ins—can be more robustly supported.¹⁸ Accordingly, policies and response protocols should continue to recognize the SCU as a viable resource, once its operational capacity and limitations under the new model are clearly established. This approach will help ensure that individuals in behavioral health crises continue to have access to non-police interventions when appropriate, and that public safety personnel have clear guidance on when and how to engage the SCU within the updated framework.

Recommendations:

Approve the proposed updates to BPD Policies 431.9 and 900.11.2, along with the new addition to Policy 900, as outlined in Attachment 1. Adopt the transmittal memorandum in Attachment 2 to convey these recommendations to the BPD.

¹⁸ April 22, 2025 Off-Agenda Memo to the City Council Titled “Specialized Care Unit”:
<https://berkeleyca.gov/sites/default/files/documents/2025-04-22%20%20%20%20%20Specialized%20Care%20Unit.pdf>

ATTACHMENT 1. UPDATED POLICY PROPOSALS

The following changes to BPD Policy 431.9 “Sick or Injured Arrestee” are proposed:

431.9 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. **Officers shall provide particular care for adults who may be at heightened risk due to age or disabilities, ensuring their medical needs are promptly addressed.** If the officer suspects the arrestee is feigning injury or illness, the officer should contact a supervisor to determine whether medical clearance is necessary before booking.

If the jail or detention facility refuses to accept custody based on medical screening, the officer should note the name of the facility staff member refusing custody and the reason for refusal, then notify a supervisor to determine the appropriate action.

Arrestees with serious medical issues should be transported by ambulance. **Adults at heightened risk due to age or disabilities may require additional medical attention during transport.** Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee shows symptoms of life-threatening conditions, such as breathing problems or an altered level of consciousness, or claims an illness or injury requiring EMS response. **Officers should be particularly vigilant for signs of medical distress in adults at heightened risk due to age or disabilities, as these individuals may exhibit less obvious symptoms.**

Current BPD Policy 431 “Medical Aid and Response”:

https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=437

The following changes to BPD Policy 900.11.2 “Sober Release” are proposed:

900.11.2 SOBER RELEASE

No person shall be released from custody in an intoxicated condition.

To be eligible for release from custody, an individual must be sober to the extent he/she can care for him/herself in public (ref. PC §647(f)).

This protocol does not preclude release of an intoxicated adult upon Notice To Appear into the custody of a sober and responsible adult, provided that adult will assume responsibility for the intoxicated adult.

This protocol does not preclude release of an intoxicated juvenile into the custody of his/her sober and responsible adult parent or guardian, provided that adult will assume responsibility for the intoxicated juvenile.

When specifically requested by the arresting officer, individuals in custody may be released pursuant to PC § 849(b) when sober. *To ensure an individual is no longer impaired and capable of self-care, the following methods—alone or in combination—may be used to support an officer’s determination of sobriety:*

- *Standardized Field Sobriety Test (SFST): A set of standardized tests (Horizontal Gaze Nystagmus, Walk-and-Turn, and One-Leg Stand), developed by NHTSA, may be administered by trained personnel to assess balance, coordination, and eye movement.*
- *Clinical Assessment by Medical Staff: An evaluation conducted by qualified healthcare professionals to determine the severity of intoxication and appropriate care, including screening for co-occurring conditions.*
- *Breath Alcohol Concentration (BAC) Testing: A preliminary breath test may be offered by officers or requested by the individual on a voluntary and non-punitive basis to help determine whether the person is fit for release and no longer a danger to themselves or others. Participation is entirely optional, and individuals may decline the test without consequence. A BAC of 0.05% or lower creates a presumption of sobriety and may support release if no other safety concerns are present. A BAC of 0.10% or higher establishes a presumption of continued intoxication, and the individual shall not be released unless medically cleared. BAC readings between 0.05% and 0.10% require further evaluation of the individual's coordination, speech, and responsiveness.*

Neither the passage of any set period of time, nor posting of or ability to post bail, shall be factors considered in regard to evaluation of an individual's sobriety.

The following new section is proposed for inclusion in BPD Policy 900, "Temporary Custody of Adults":

900.XX.X ELDER AND DEPENDENT ADULT

For the purposes of this policy, “Elder” shall refer to a person who is 65 years of age or older as defined in PC §368. “Dependent adult” shall refer to a person who, pursuant to PC § 368.6, is between the ages of 18 and 64 and has physical or mental limitations that

restrict their ability to carry out normal activities or protect their rights. This includes, but is not limited to, persons with physical or developmental disabilities or whose physical or mental abilities have diminished due to age.

Any elder or dependent adult who is under the influence of drugs or alcohol to the extent that their life or well-being is at risk, or they are unable to care for themselves, shall not be accepted into the Jail without first being examined and cleared for incarceration by a physician. Once cleared for incarceration, the individual may be booked into the Jail.

ATTACHMENT 2. DRAFT RECOMMENDATION TRANSMITAL MEMORANDUM



DRAFT

MEMORANDUM

Date: TBD
 To: Berkeley Police Department (BPD)
 From: Police Accountability Board (PAB)
 Cc: Hansel A. Aguilar, Director of Police Accountability (DPA)
 Subject: PAB Recommendations for BPD Policy 431 and BPD Policy 900

The purpose of this memorandum is to transmit the PAB's formal recommendations following their review of the Office of the Director of Police Accountability's (ODPA) Police Review Report No. 19, "Detention and Release of Inebriated Individuals."¹ These recommendations concern proposed updates to BPD Policies 431.9 "Sick or Injured Arrestee" and 900.11.2 "Sober Release," and the introduction of new language to Policy 900.

Background:

On April 23, 2025, the ODPA presented Policy Review Report No. 19, which examined detention and release procedures for inebriated individuals. The report included recommendations for the PAB's consideration aimed at enhancing BPD protocols and improving safety for individuals in custody for public intoxication. After review, the PAB unanimously voted to accept Recommendation 1, "Revise Policies to Require Medical Clearance and Incorporate Objective Tools for Safe Release Determinations," with a request for further refinement and additional research.² On May

¹ Policy Review Report No. 19 "Detention and Release of Inebriated Individuals":

https://berkeleyca.gov/sites/default/files/documents/Policy%20Review%20Report%2019_Detention%20and%20Release%20of%20Inebriated%20Individuals.pdf

² April 23, 2025 PAB Regular Meeting Minutes: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Draft%20-%202025-04-23%20Regular%20Meeting%20Minutes.pdf>

7, 2025, the ODPa presented additional findings and recommendations,³ which the PAB approved [insert vote count].⁴ The recommendations approved by the PAB are formally presented in this memorandum.

Recommendations:

Following their review of Policy Review Report No. 19, the PAB recommends the following updates for consideration and implementation by the BPD:

- Update Policy 431.9 “Sick or Injured Arrestee” to include language that addresses the specific needs of arrestees who may be classified as elders or vulnerable adults (Attachment 1).
- Update Policy 900.11.2 “Sober Release” to include language establishing an objective standard for determining sobriety prior to the safe release of adults arrested for public intoxication (Attachment 2).
- Implement a new section into Policy 900 titled “Elder and Dependent Adults” which establishes special procedures for handling the incarceration of elders and dependent adults who are under the influence of drugs or alcohol.

These recommendations are designed to enhance the safety and well-being of individuals in BPD custody and ensure that the department’s practices align with contemporary standards for managing intoxicated individuals. The PAB encourages the BPD to proceed with these updates to foster a safer and more accountable system of release and care for those in custody.

³ May 2, 2025 ODPa Memorandum to the PAB Titled “Follow-Up Memorandum on ODPa Presentation of Police Review Report No. 19: ‘Detention and Release of Inebriated Individuals’”: [Insert Link Once Document is Available]

⁴ May 7, 2025 PAB Regular Meeting Minutes: [Insert Link Once Document is Available]

DRAFT**ATTACHMENT 1**

The following changes to BPD Policy 431.9 “Sick or Injured Arrestee” are proposed:

431.9 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. **Officers shall provide particular care for adults who may be at heightened risk due to age or disabilities, ensuring their medical needs are promptly addressed.** If the officer suspects the arrestee is feigning injury or illness, the officer should contact a supervisor to determine whether medical clearance is necessary before booking.

If the jail or detention facility refuses to accept custody based on medical screening, the officer should note the name of the facility staff member refusing custody and the reason for refusal, then notify a supervisor to determine the appropriate action.

Arrestees with serious medical issues should be transported by ambulance. **Adults at heightened risk due to age or disabilities may require additional medical attention during transport.** Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee shows symptoms of life-threatening conditions, such as breathing problems or an altered level of consciousness, or claims an illness or injury requiring EMS response. **Officers should be particularly vigilant for signs of medical distress in adults at heightened risk due to age or disabilities, as these individuals may exhibit less obvious symptoms.**

Current BPD Policy 431 “Medical Aid and Response”:

https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=437

ATTACHMENT 2**DRAFT**

The following changes to BPD Policy 900.11.2 “Sober Release” are proposed:

900.11.2 SOBER RELEASE

No person shall be released from custody in an intoxicated condition.

To be eligible for release from custody, an individual must be sober to the extent he/she can care for him/herself in public (ref. PC §647(f)).

This protocol does not preclude release of an intoxicated adult upon Notice To Appear into the custody of a sober and responsible adult, provided that adult will assume responsibility for the intoxicated adult.

This protocol does not preclude release of an intoxicated juvenile into the custody of his/her sober and responsible adult parent or guardian, provided that adult will assume responsibility for the intoxicated juvenile.

When specifically requested by the arresting officer, individuals in custody may be released pursuant to PC § 849(b) when sober. *To ensure an individual is no longer impaired and capable of self-care, the following methods—alone or in combination—may be used to support an officer’s determination of sobriety:*

- *Standardized Field Sobriety Test (SFST): A set of standardized tests (Horizontal Gaze Nystagmus, Walk-and-Turn, and One-Leg Stand), developed by NHTSA, may be administered by trained personnel to assess balance, coordination, and eye movement.*
- *Clinical Assessment by Medical Staff: An evaluation conducted by qualified healthcare professionals to determine the severity of intoxication and appropriate care, including screening for co-occurring conditions.*
- *Breath Alcohol Concentration (BAC) Testing: A preliminary breath test may be offered by officers or requested by the individual on a voluntary and non-punitive basis to help determine whether the person is fit for release and no longer a danger to themselves or others. Participation is entirely optional, and individuals may decline the test without consequence. A BAC of 0.05% or lower creates a presumption of sobriety and may support release if no other safety concerns are present. A BAC of 0.10% or higher establishes a presumption of continued intoxication, and the individual shall not be released unless medically cleared. BAC readings between 0.05% and 0.10% require further evaluation of the individual's coordination, speech, and responsiveness.*

Neither the passage of any set period of time, nor posting of or ability to post bail, shall be factors considered in regard to evaluation of an individual's sobriety.

ATTACHMENT 3**DRAFT**

The following new section is proposed for inclusion in BPD Policy 900, "Temporary Custody of Adults":

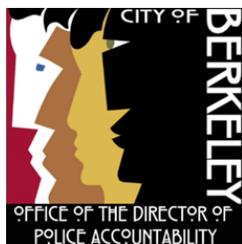
900.XX.X ELDER AND DEPENDENT ADULT

For the purposes of this policy, "Elder" shall refer to a person who is 65 years of age or older as defined in PC §368. "Dependent adult" shall refer to a person who, pursuant to PC § 368.6, is between the ages of 18 and 64 and has physical or mental limitations that restrict their ability to carry out normal activities or protect their rights. This includes, but is not limited to, persons with physical or developmental disabilities or whose physical or mental abilities have diminished due to age.

Any elder or dependent adult who is under the influence of drugs or alcohol to the extent that their life or well-being is at risk, or they are unable to care for themselves, shall not be accepted into the Jail without first being examined and cleared for incarceration by a physician. Once cleared for incarceration, the individual may be booked into the Jail.

Item 9.d.

ODPA Memorandum to the PAB Titled "Proposed Adjustments to the
2025 Police Accountability Board Meeting Calendar"



MEMORANDUM

Date: Friday, May 02, 2025
To: Honorable Members of the Police Accountability Board (PAB)
From: Hansel A. Aguilar, Director of Police Accountability (DPA) *HA*
 Jose D. Murillo, ODPA Policy Analyst *JM*
 Syed Mehdi, ODPA Data Analyst *SM*
Subject: Proposed Adjustments to the 2025 Police Accountability Board Meeting Calendar

This memorandum outlines proposed adjustments to the Police Accountability Board's (PAB) 2025 meeting calendar, following Chair Cayetano's request to identify opportunities to cancel or reschedule meetings. The recommendations are based on anticipated workload, statutory deadlines, and logistical factors.

Background

Pursuant to Berkeley City Charter Section 125(13)(a), the PAB is required to meet at least 18 times per year.¹ On October 30, 2024, the Board adopted its 2025 meeting calendar, which includes 19 meetings scheduled with consideration for City and religious holidays.² The inclusion of an extra meeting date provides the flexibility to cancel or reschedule one meeting, if needed, while remaining in compliance with the Charter.

Proposed Meeting Changes

To optimize the PAB's 2025 meeting schedule while maintaining compliance with the City Charter's meeting requirements, the following adjustment pathways are proposed; an updated calendar reflecting these proposed amendments can be found in Attachment

1. Proposed Meeting Adjustments for the May–July Period

¹ Berkeley City Charter Section 125(13)(a): [https://berkeley.municipal.codes/Charter/125\(13\)\(a\)](https://berkeley.municipal.codes/Charter/125(13)(a))

² 2025 Commission Meeting Schedule: <https://berkeleyca.gov/sites/default/files/work-plans/PAB%20-%202025%20commission%20Meeting%20Schedule.pdf>

Proposed Change: Cancel the July 23, 2025 meeting.

Rationale:

- The Military Equipment Report is typically presented to Council in July. Retaining the June meeting would enable the Board to review and provide feedback ahead of Council consideration.
- The City Council recesses³ from July 31 to September 9. Cancelling the July 23 meeting would avoid redundancy, assuming no PAB action is needed before the Council's final meeting on July 29.
- The nearest 240 deadline for personnel complaints fall on August 3, 2025, September 3, 2025 and September 10, 2025. If needed, presentations could occur in June or early July.

2. Proposed Meeting Adjustments for the September – December Period

Proposed Change: Cancel the regular meeting on December 10 and instead hold a Special Meeting on December 3 and an additional meeting on December 17.

Rationale:

- No changes can be made to the month of October due to conflicts with religious holidays and the NACOLE Conference⁴
- No changes can be made to November due to conflicts with city and religious holidays
- December is the only month where meeting dates can be adjusted without creating a significant administrative burden for staff.

Noticing Requirement:

If the PAB decides to cancel or reschedule a meeting, it must provide proper noticing. Chapter IV, Public Meeting, Section H, Noticing of Cancelled and Adjourned Meetings⁵ states that if a meeting needs to be cancelled, "It is standard practice to post a cancellation notice, indicating the meeting's cancellation, at all locations where the

³ City Council Meeting Schedule: <https://berkeleyca.gov/sites/default/files/documents/City%20Council%20Meeting%20Schedule%20-%20WEB%2088.pdf>

⁴ NACOLE Conference October 26-31, 2025: https://www.nacole.org/annual_conference

⁵ Commissioners & Board Members' Manual 2025 Edition (P.51):

<https://berkeleyca.gov/sites/default/files/documents/Commissioners%27%20%26%20Board%20Members%27%20Manual%202025%20Edition.pdf#Page=51>

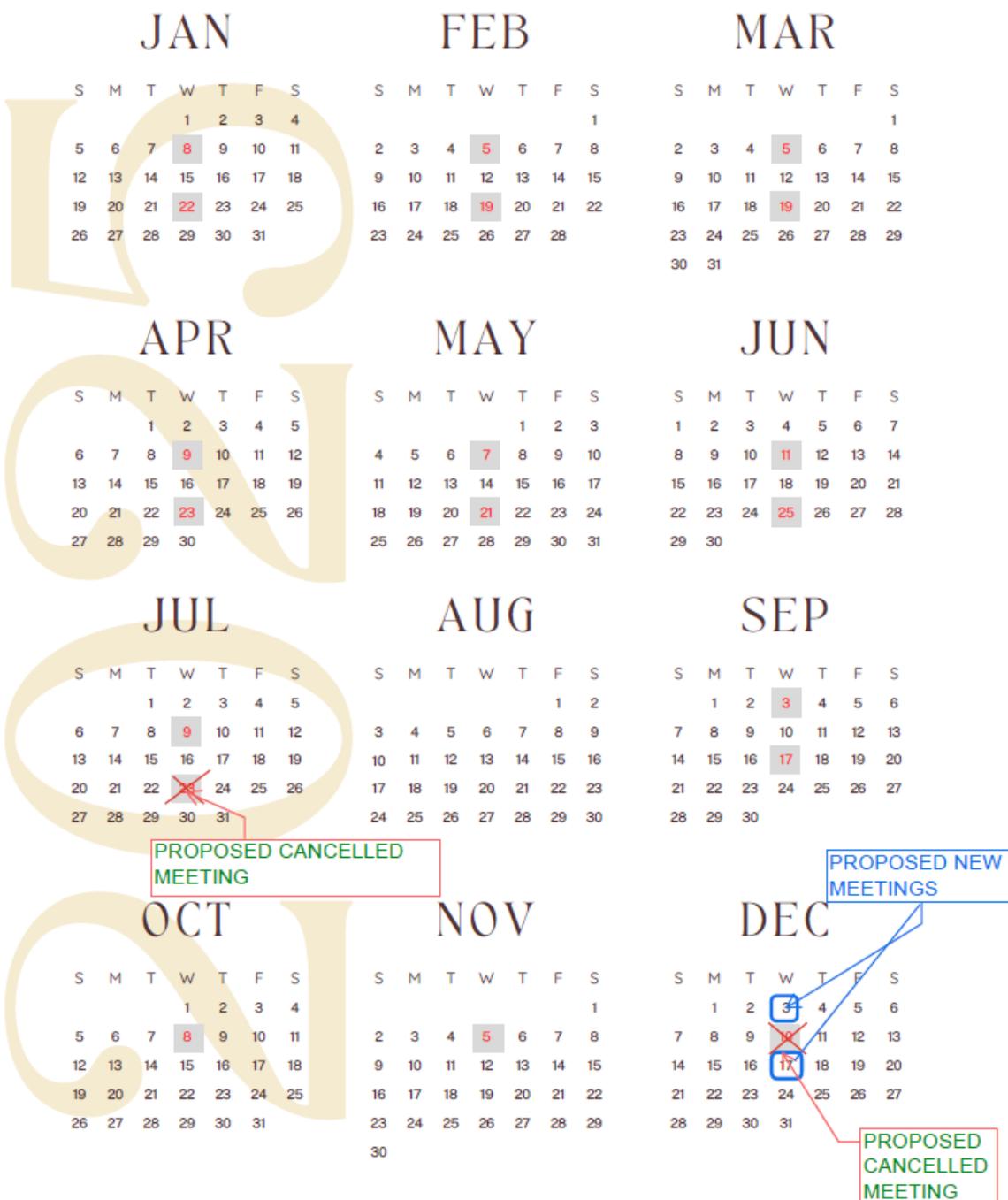
agenda is regularly posted. Additionally, individuals or media on a subscription list for notices and agendas should be informed as soon as possible. This notification should occur as soon as the cancellation is confirmed." If the meeting is rescheduled, "A notice of the adjournment, including the new date, must be clearly posted on or near the door of the meeting location within 24 hours after the adjournment."

Attachments:

1. Updated Calendar Reflecting Proposed Amendments to the 2025 PAB Regular Meeting Schedule
2. Current 2025 PAB Meeting Schedule

Attachment 1

PROPOSED Calendar Reflecting Proposed Amendments to the 2025 PAB Regular Meeting Schedule



Attachment 2

Current 2025 PAB Meeting Schedule

Name of Commission: POLICE ACCOUNTABILITY BOARD

Commission Secretary: HANSEL A. AGUILAR, DIRECTOR OF POLICE ACCOUNTABILITY

Example

Month	Meeting Day	Meeting Date	Time
January 2025	Wednesday	2/10/2024	7:00 pm

Month	Meeting Day	Meeting Date	Time
January 2025	Wednesday	01/08/2025	6:30 PM
January 2025	Wednesday	01/22/2025	6:30 PM
February 2025	Wednesday	02/05/2025	6:30 PM
February 2025	Wednesday	02/19/2025	6:30 PM
March 2025	Wednesday	03/05/2025	6:30 PM
March 2025	Wednesday	03/19/2025	6:30 PM
April 2025	Wednesday	04/09/2025	6:30 PM
April 2025	Wednesday	04/23/2025	6:30 PM
May 2025	Wednesday	05/07/2025	6:30 PM
May 2025	Wednesday	05/21/2025	6:30 PM
June 2025	Wednesday	06/11/2025	6:30 PM
June 2025	Wednesday	06/25/2025	6:30 PM
July 2025	Wednesday	07/09/2025	6:30 PM
July 2025	Wednesday	07/23/2025	6:30 PM
September 2025	Wednesday	09/03/2025	6:30 PM
September 2025	Wednesday	09/17/2025	6:30 PM
October 2025	Wednesday	10/08/2025	6:30 PM
November 2025	Wednesday	11/05/2025	6:30 PM
December 2025	Wednesday	12/10/2025	6:30 PM

Item 9.e.

PAB's May 1, 2025 Letter to Council and Respective Press Release



FOR IMMEDIATE RELEASE

May 2, 2025

POLICE ACCOUNTABILITY BOARD TRANSMITS LETTER TO CITY COUNCIL AND CHIEF OF POLICE REGARDING BARRIERS TO REQUIRED OVERSIGHT REVIEW

BERKELEY, CA – On May 1, 2025, the Police Accountability Board (PAB) transmitted a formal letter to the Berkeley City Council, Chief of Police Jennifer Louis, and other relevant City stakeholders detailing concerns about barriers that have prevented the PAB from completing its legally mandated review of the Berkeley Police Department’s 2024 Controlled Equipment Report.

Pursuant to the Police Equipment and Community Safety Ordinance (Berkeley Municipal Code Chapter 2.100 *et. seq.*),¹ the PAB is required to independently determine whether the Department’s use of controlled equipment complies with standards designed to safeguard civil liberties, prevent excessive or gratuitous deployments, and avoid discriminatory impacts. Despite timely and specific records requests, the PAB was not provided access to key materials—such as body-worn camera footage and radio transmissions—necessary to complete its review.

The PAB reported it is unable to certify that BPD’s use of controlled equipment complied with the standards codified in the Ordinance without the requested records. The letter, signed by PAB Chair Joshua Cayetano, responds to concerns raised by BPD about administrative workload, confidentiality, and scope. It emphasizes that PAB members are trained and sworn to uphold confidentiality under law and that the request was narrowly tailored to minimize the burden.

“The PAB cannot independently evaluate compliance or make informed determinations without access to the underlying materials that substantiate BPD’s descriptions,” the letter states.

It continues, “We respectfully caution the Council on accepting this year’s (and any future) Controlled Equipment Report from BPD until it has complied with the PAB-mandated review codified in the Police Equipment and Community Safety Ordinance.”

¹ Berkeley Municipal Code Chapter 2.100 *et. seq.*, “Police Equipment and Community Safety Ordinance”:
<https://berkeley.municipal.codes/BMC/2.100>

The letter also notes that similar concerns have been raised over the last three reporting cycles by current and former oversight officials, including the Director of Police Accountability and previous PAB Chairs, without resolution.

The PAB reaffirmed its commitment to working constructively with all City departments—including the Berkeley Police Department—to uphold transparency, accountability, and community safety in accordance with the City Charter and Municipal Code.

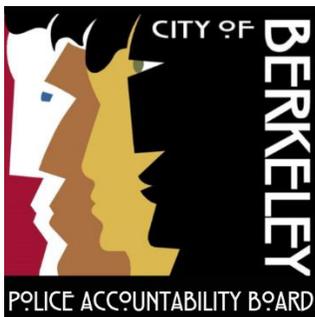
The full letter is available at:

<https://berkeleyca.gov/sites/default/files/documents/2025-05-01%20PAB%20Letter%20to%20Council-%20Impediments%20to%20PABs%20Review%20of%20the%202024%20Controlled%20Equipment%20Report.pdf>

For further information or inquiries, please contact:

Hansel Alejandro Aguilar
Director of Police Accountability
haguilar@berkeleyca.gov
(510) 981-4960

[End of Release]



Joshua Cayetano
 Chair of the Police Accountability Board
JCayetano@berkeleyca.gov

May 1, 2025

VIA ELECTRONIC MAIL [Email]

Honorable Mayor and Members of the Berkeley City Council

Council@berkeleyca.gov

2180 Milvia Street
 Berkeley, CA 94704

Re: Impediments to PAB’s Mandated Review of the 2024 Controlled Equipment Report

Dear Mayor and Councilmembers,

We write to inform you that the Police Accountability Board (PAB) has been prevented from fulfilling a core oversight function prescribed by Berkeley Municipal Code (BMC) Section 2.100.050: the meaningful review of Berkeley Police Department’s (BPD) 2024 Controlled Equipment Report (the Report).¹

Under the Police Equipment and Community Safety Ordinance (the Ordinance), the PAB is required to determine whether BPD’s use of controlled equipment complies with the standards outlined in Section 2.100.040.² These standards ensure that the use of militaristic equipment is not excessive or gratuitous, respects the community’s civil liberties, and does not discriminate on the basis of a protected class. The Ordinance requires BPD to submit the Report only after the PAB has conducted its review and directs BPD to indicate the PAB’s “approval or [BPD’s] lack of compliance for each piece of Controlled Equipment.”³ If the PAB identifies BPD’s use of controlled equipment does not comply with the Ordinance, the PAB must submit a recommendation to Council to modify or revoke that particular equipment’s use policy “in a manner that will resolve the lack of compliance.”⁴

¹ BMC 2.100.050, “Reports on the Use of Controlled Equipment,” <https://berkeley.municipal.codes/BMC/2.100.050>.

² See BMC 2.100.050(B)(1) (requiring the PAB to “determine, based on the report, whether each piece of Controlled Equipment reported on has complied with the standards for approval set forth in Section 2.100.040”), <https://berkeley.municipal.codes/BMC/2.100.050>; BMC 2.100.040(C) (describing the criteria that the PAB must consider), <https://berkeley.municipal.codes/BMC/2.100.040>.

³ BMC 2.100.050(B)(3), <https://berkeley.municipal.codes/BMC/2.100.050>.

⁴ BMC 2.100.050(B)(2), <https://berkeley.municipal.codes/BMC/2.100.050>.

1900 Addison Street, 3rd Floor, Berkeley, CA 94704 TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955
 Website: <https://berkeleyca.gov/dpa> Email: dpa@berkeleyca.gov

Despite a timely request for relevant records and documentation to support the PAB’s review,⁵ BPD declined to provide the requested records, preventing the PAB from conducting the ordinance-mandated review. The requested records included body-worn camera footage and radio transmissions that were directly relevant and essential to analyze compliance with the standards set forth in Section 2.100.040. For example, body worn camera footage would allow the PAB to make an independent determination that, for a particular use, “there [was] no practicably available alternative equipment which is not Controlled Equipment that [was] sufficient for the purposes.”⁶ As a result, the PAB is unable to certify that BPD’s use of controlled equipment complied with the law.

When it refused the PAB’s records request, BPD expressed concerns about resource constraints, privacy considerations, and the perceived limitations of the Ordinance’s scope. We address each in turn. *First*, the PAB is very aware of the administrative burden that various reporting requirements place on BPD. To minimize the administrative burden, the PAB only requested records relevant to a small sample of the fifty (50) instances identified in the Report.⁷ In any event, administrative burdens are not a valid excuse to evade meaningful review, mandated by City ordinance. *Second*, members of the PAB are (1) privy to confidential records and (2) sworn to “maintain the confidentiality of the personnel files of sworn employees of the Police Department and all other matters that are confidential under state and federal law.”⁸ The PAB is able to submit a report to Council outlining its findings without breaking its oath of confidentiality. Indeed, access to records like body worn camera footage are the only way for the PAB to certify compliance with the standards set forth in Section 2.100.040. *Third*, the Ordinance plainly states the PAB’s authority to review uses of controlled equipment.⁹ If BPD disagrees with the plain meaning of the Berkeley Municipal Code, it should request guidance from the City Attorney, not unilaterally refuse a valid request.

We wish to underscore that this is not merely an administrative or procedural matter. The Ordinance was adopted in direct response to widespread public demand for greater transparency, accountability, and independent oversight in law enforcement operations.¹⁰ It reflects the City’s commitment to ensure that controlled equipment is used only in ways that respect civil rights, safeguard public safety, and avoid disproportionate impacts on marginalized communities. We acknowledge BPD’s willingness to engage in dialogue and its offer of generalized briefings. However, the PAB cannot independently evaluate compliance or make informed determinations without access to the underlying materials that substantiate BPD’s descriptions—a point emphasized by the Director of Police Accountability on the PAB’s behalf during the Police

⁵ BPD submitted the Report to ODPa on February 27, 2025. The PAB agendaed and discussed the Report at its March 5, 2025 meeting. ODPa requested the records from BPD on March 7, 2025.

⁶ BMC 2.100.040(C)(1)(a), <https://berkeley.municipal.codes/BMC/2.100.040>.

⁷ The PAB requested records related to 5 incidents, all pertaining to the use of Light-Sound Diversionary Devices (LSDDs) and the Long Range Acoustic Device (LRAD). March 5, 2025 PAB Agenda (p. 61), https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-03-05%20PAB%20Regular%20Meeting%20Packet%20-%20Amended_Final.pdf.

⁸ Oath of Office, April 23, 2025 PAB Agenda (p. 2), <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-04-17%20PAB%20Regular%20Meeting%20Packet.pdf>.

⁹ BMC 2.100.050(B)(2), <https://berkeley.municipal.codes/BMC/2.100.050>.

¹⁰ Aman, L. (May 28, 2021). Berkeley leaders demand more data about ‘militaristic’ police equipment. *Berkeleyside*. <https://www.berkeleyside.org/2021/05/28/berkeley-leaders-demand-more-data-about-militaristic-police-equipment>

Department's 2022 report presentation to Council,¹¹ which he echoed in a 2024 memo to the PAB regarding the 2023 report,¹² and was reiterated by former Chair Moore's 2024 letter to City Council on the matter.¹³ Despite these repeated efforts to elevate the issue of a need for access to records, the Board continues to face barriers that obstruct its Charter-mandated oversight responsibilities.

We respectfully urge the Council to support measures that ensure timely and complete cooperation with lawful requests made by the Police Accountability Board in the course of its independent oversight duties. We respectfully caution the Council on accepting this year's (and any future) Controlled Equipment Report from BPD until it has complied with the PAB-mandated review codified in the Police Equipment and Community Safety Ordinance. We remain committed to constructive engagement and welcome the opportunity to work collaboratively with all City departments, including the Berkeley Police Department, to uphold the principles of transparency, accountability, and community safety.

Respectfully,

Joshua Cayetano

Joshua Cayetano, Chair
Police Accountability Board

Cc: Paul Buddenhagen, City Manager
Farimah Brown, City Attorney
David White, Deputy City Manager
Jennifer Louis, Chief of Police
Jen Tate, Deputy Chief of Police
Hansel Aguilar, Director of Police Accountability

¹¹ City of Berkeley. (June 6, 2023). June 6, 2023 Regular City Council Meeting [Video]. Berkeley City Council. https://berkeley.granicus.com/player/clip/5062?publish_id=18eb84a2-0554-11ee-95dd-0050569183fa&redirect=true (Segment: 1:16:34–1:18:08)

¹² Gecan, A. N. (March 29, 2024). Flash-bangs, launchers: BPD brought out specialized gear less often in 2023, but used it more. Berkeleyside. <https://www.berkeleyside.org/2024/03/29/berkeley-police-department-equipment-report>

¹³ City of Berkeley. (June 4, 2024). City Council Regular Meeting: Agenda and Reports (Consent Calendar, Item 31, pp. 245–246). <https://berkeleyca.gov/sites/default/files/city-council-meetings/2024-06-04%20Agenda%20Packet%20-%20Council%20-%20WEB.pdf>

Legislative Updates Relevant to the PAB's Work



MEMORANDUM

Date: May 2, 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 Updates¹

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

NAME OF LEGISLATION	STATUS	SUMMARY/PURPOSE
<u>SB 385 “Peace Officers”</u>	(Introduced) 2025-04-22 - Read second time. Ordered to third reading.	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.
<u>AB1178 “Peace Officers”</u>	(Introduced) 2025-04-29 - Re-	This bill expands redaction requirements under the California Public Records Act, requiring law enforcement agencies to

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

<u>Confidentiality of Records</u>	referred to Com. on APPR.	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.
<u>SB707 “Open Meetings: Meeting and teleconference requirements”</u>	(Introduced) 2025-04-25 - Set for hearing May 5.	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 effect January 1, 2024 or January 1, 2025. The following BPD Policies include the legislative updates:

SOURCE	LINK
BPD Policy 1505 “2024 Legislative Update”	https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=1037
BPD Policy 1506 “2025 Legislative Update”	https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=1041
The California Peace Officers Association also provides a yearly California Legislative and Legal Digest.	https://cpoa.org/wp-content/uploads/2024/11/2025-Legislative-Legal-Digest.pdf

Lexipol Policy Updates

No changes have been made to BPD policies since the PAB's last meeting on April 23, 2025.

City of Berkeley Council Meeting Updates

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

May 6, 2025 – Regular Meeting of the City Council

ITEM	DESCRIPTION	RECOMMENDATION
7	<p>Contract No. 117441-1 Amendment: Chrisp Company for Painting Red Curbs to Enhance Compliance with California's Daylighting Law (Assembly Bill 413)</p> <p>Item Link: https://berkeleyca.gov/sites/default/files/documents/2025-05-06%20Item%2007%20Contract%20No.%20117441-1%20Amendment%20Chrisp.pdf</p>	<p>Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 117441-1 with Chrisp Company to paint red curbs at the approach to approximately 918 intersections to improve safety in compliance with California's Daylighting Law (Assembly Bill 413, or AB 413). This contract amendment would increase the contract amount by \$375,574, for a new contract amount not to exceed of \$1,625,575.</p>

May 6, 2025 – Special Meeting of the City Council

ITEM	DESCRIPTION	RECOMMENDATION
1	<p>Presentation and Discussion: Brown Act Training</p> <p>Agenda Link: https://berkeleyca.gov/city-council-special-meeting-eagenda-may-6-2025</p>	<p>Not Applicable.</p>

City of Berkeley Council Meeting Updates

The following items under consideration by Council committees are relevant to the PAB.

May 5, 2025 – Regular Meeting of the Agenda & Rules Committee

ITEM	DESCRIPTION	RECOMMENDATION
1	<p>Review and Approval of the May 20, 2025 Regular City Council Meeting Agenda</p> <p>Agenda Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2025-05-05%20Agenda%20Packet%20-%20Agenda%20Committee.pdf</p>	<p>The following items are scheduled for inclusion on the Consent and Action Calendar for May 20, 2025:</p> <p><u>Consent:</u></p> <ul style="list-style-type: none"> - Contract Townsend Public Affairs, Inc. for Legislative and Funding Advocacy Strategy - Contract No. 32400003 Amendment: Cooke & Associates Background Investigations (BPD and ODPa use this service) - 2024 Police Equipment and Community Safety Ordinance Annual Report - FY 2026 Proposed Budget Update and FY 2026 Proposed Budget Update Public Hearing #1 <p><u>Action:</u></p> <ul style="list-style-type: none"> - Appointment of Four Berkeley Residents to the SAFE STREETS Citizen Oversight Committee

May 8, 2025 – Special Meeting of the Public Safety Policy Committee

ITEM	DESCRIPTION	RECOMMENDATION
1	PAB Report: Fair and Impartial Policing Implementation Agenda Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2025-05-08%20Agenda%20Packet%20-%20Public%20Safety.pdf	See agenda packet.

Policy Review Status Updates

Updated May 2, 2025



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 May 2, 2025, the Police Accountability Board (PAB) has 13 open policy reviews. There have been no new policy reviews submitted to the PAB since the last meeting on April 9, 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>

Updated May 2, 2025

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

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

Summary

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

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

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

Summary

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

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

Policy Review Number	19
-----------------------------	----

Updated May 2, 2025

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	
<p>The ODPA completed its review and presented its report for the PAB's consideration on April 23, 2025. In response, the PAB requested a follow-up memorandum with additional information, which is scheduled to be presented on May 7, 2025.</p>	

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	
<p>Evaluating for potential referrals to subcommittee or PAB members.</p>	

Updated May 2, 2025

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 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 requests for records to further inform this review are anticipated.</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	

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.

Updated May 2, 2025

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.

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.

Updated May 2, 2025

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

Updated May 2, 2025

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	
ODPA staff are currently reviewing relevant materials in preparation for a future presentation to the PAB. The presentation is tentatively scheduled for May 7, 2025.	

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

Updated May 2, 2025

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.

Activity Report

Board Member Calavita updated the PAB during its regular meeting on April 23, 2025. Policy Analyst Murillo and Board Member Calavita will collaborate to draft potential language and consult with BPD about feasibility and any potential concerns. ODP staff is still working on that request as of 5/2/2025.

List of Pending PAB Request



MEMORANDUM

Date: Friday, May 02, 2025
To: Honorable Members Police Accountability Board (PAB)
From: Hansel Aguilar, Director of Police Accountability (DPA) *HA*
 Jose Murillo, Policy Analyst *JM*
 Syed Mehdi, Data Analyst *SM*
Subject: Summary of PAB Requests (October 2024 - April 2025)

This memorandum provides a summary of requests made by the Police Accountability Board (PAB) during seven meetings held between October 9, 2024, and April 23, 2025. Of these 23 requests, 10 have been completed, 11 remain open, and 2 were closed. The distribution of requests by stakeholder is as follows: 16 requests were directed to the Office of the Director of Police Accountability (ODPA), 6 to the Berkeley Police Department (BPD), 1 to the City Attorney's Office, and 1 to the Mayor's Office. This consolidated log supports clearer tracking, coordination, and follow-up by all relevant parties.

Legend

Completed	Request has been fulfilled and requires no further action.
Open	Request is still in progress or pending follow up/action
Closed	Request was withdrawn or is no longer being pursued.

PAB Requests (Oct 2024 - April 2025)

Number	Meeting Date/Link	Request to	Request (Time Stamp)	Status/Note
1	10/9/2024 PAB Regular Meeting Recording: https://youtu.be/rogRpVzB1ec?s	ODPA/ BPD	PAB requested that the ODPA issue subpoenas for records related to Policy Review PRC 2487, PRC 2488, ODPA 17,	Completed – ODPA issued subpoenas to BPD on October 18 th , 2024. BPD responded pursuant to PAB's subpoenas on October 31, 2024

	<p>i=kSEcDMNpQ0MI19I2</p> <p>10/9/2024 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2024-10-09%20Regular%20Meeting%20Minutes_Final.DPA%20signed.pdf</p>		<p>and ODPa 19 pursuant to a policy, practices, procedures review.</p> <p>(2:52:36 - 3:00:16)</p>	<p>[detailed in an email from Chief Louis to Director Aguilar.]</p>
2	<p>10/30/2024 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=xmZFcljYdk</p> <p>10/30/2024 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2024-10-30%20Regular%20Meeting%20Minutes_final%20-%20signed.pdf</p>	BPD	<p>The PAB Requested all CHP 187A Forms from 2013–2020 and 2024 for policy review of BPD Policy 307 – Vehicle Pursuits.</p> <p>(1:49:02 - 1:51:20)</p>	<p>Open - The request is still active. During the 12/11/24 PAB meeting, Chair Cayetano noted that BPD stated it would take approximately six months to provide the CHP 187A data, as the data is currently in raw form and requires time to process.</p> <p>12/11/2024 PAB Regular Meeting https://youtu.be/Nt_YPFOJ60Q?si=2QlcPzFP-mqApu9d (42:25-45:02)</p> <p>Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%2012-11-24%20PAB%20Regular%20Meeting%20Minutes.pdf</p>

3	<p>1/8/2025 Regular Meeting Recording:</p> <p>https://youtu.be/56WiTDQB_jo?si=Go90zuEmVgEhNRjH</p> <p>1/8/2025 PAB Regular Meeting Minutes:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%202025-01-08%20Regular%20MeetingMinutes.pdf</p>	BPD	<p>The PAB requested that the BPD reissue all current Memoranda of Understanding (MOUs) related to Section K.</p>	<p>Complete –</p> <p>The BPD has provided the last completed compendium of MoUs (2018). The BPD has indicated that the 2018 is the latest update to the collective agreements (and notes that some individual ones, like the UCPD have been updated since). There is active discussion about updating them:</p> <p>See ODPa April 4th, 2025 Memo: 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)”</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-04-09%20PAB%20Regular%20Meeting%20Pkt_Finalv2.pdf#page=30</p>
4	<p>1/8/2025 Regular Meeting Recording:</p> <p>https://youtu.be/56WiTDQB_jo?si=Go90zuEmVgEhNRjH</p> <p>1/8/2025 PAB Regular Meeting Minutes:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%202025-01-08%20Regular%20MeetingMinutes.pdf</p>	ODPA	<p>The Board requests that an amendment to Section K be scheduled for discussion by the full Board, rather than being limited to subcommittee review. (1:49:34 - 1:51:58)</p>	<p>Completed – ODPa provided a memo detailed in the 01/22/25 PAB Meeting, highlighting the process for reviewing the BPD’s mutual aid agreement as stipulated in Section K.</p> <p>Memo Link:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-01-22%20PAB%20Regular%20Meeting%20Packet.pdf#page=32</p>

	202025-01-08%20Regular%20MeetingMinutes.pdf			
5	<p>1/8/2025 PAB Regular Meeting Recording: https://youtu.be/56WiTDQB_jo?si=Go90zuEmVgEhNRjH</p> <p>1/8/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%202025-01-08%20Regular%20MeetingMinutes.pdf</p>	ODPA	The PAB requested that staff include in the recommendations section of policy reviews or in the bottom – include the number of policy reviews and the duration of their dependency (52:15 - 52:39)	<p>Completed – The request was updated by the ODPA on its status sheet for the PAB as highlighted on the 2/05/25 Meeting agenda packet.</p> <p>Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-02-05%20PAB%20Regular%20Meeting%20Packet%20Amendment%200.pdf#page=71</p>
6	<p>1/8/2025 PAB Regular Meeting Recording: https://youtu.be/56WiTDQB_jo?si=Go90zuEmVgEhNRjH</p> <p>1/8/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%202025-01-08%20Regular%20MeetingMinutes.pdf</p>	ODPA/ BPD	The PAB requested that staff collaborate with the Berkeley Police Department prior to establishing a public-facing webpage containing information on Restraining Orders and related resources. (1:20:33 - 1:21:30)	Open - This request is still active.

	08%20Regular%20MeetingMinutes.pdf			
7	<p>1/8/2025 PAB Regular Meeting Recording: https://youtu.be/56WiTDQB_jo?si=Go90zuEmVgEhNRjH</p> <p>1/8/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%202025-01-08%20Regular%20MeetingMinutes.pdf</p>	ODPA	The PAB requested a document compiling all recommendations that have been made to the BPD. (48:02 - 49:00)	Open - This request is still active.
8	<p>1/22/2025 PAB Regular Meeting Recording: https://youtu.be/wxhAU7qqI?si=TmlslGzQpHilQD_d</p> <p>1/22/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%202025-01-22%20PAB%20Regular%20Meeting%20Packet%20Amendment%200.pdf#page=71</p>	ODPA	The PAB requested that ODPAs add categories for blockers, aspirational goals, and assigned staff to the status update sheet to improve visibility and transparency. (45:54 - 47:50)	Completed - This request has been completed and updated on Status Report sheets as highlighted in the Policy Review Status Report for the 02/05 PAB Meeting: Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-02-05%20PAB%20Regular%20Meeting%20Packet%20Amendment%200.pdf#page=71

	e-body-meeting-minutes/FINAL%202025-01-22%20Regular%20Meeting%20Minutes.pdf			
9	<p>2/1/2025 PAB Special Meeting Recording: https://youtu.be/dlXg3dnH77w?si=DLau_Phk4WpmJsVW</p> <p>2/1/2025 PAB Special Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-01%20Special%20Meeting%20Minutes.pdf</p>	ODPA	The PAB requested that staff track the number of outstanding requests to the City Attorney's Office and report back to the Board and/or include the information in the annual report. (1:52:46 – 1:53:25)	Open - This request is still active.
10	<p>2/5/2025 PAB Regular Meeting Recording: https://youtu.be/ASMB3_LiNgQ?si=9U7v9LXxWnKSRn</p> <p>2/5/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-</p>	ODPA	The PAB requested that staff provide a brief memo summarizing significant police-related laws enacted in 2024 that are relevant to the Board's work. (14:05 - 14:50)	Completed – The request was completed by ODPa and added as “Legislative Updates Relevant to the PAB’s Work and was presented to the PAB during the 2/19/25 Board Meeting. Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-02-19%20PAB%20Regular%20Meeting%20Packet_Final.pdf#page=83

	minutes/2025-02-05-Regular%20Meeting%20Minutes_updated.pdf			
11	<p>2/5/2025 PAB Regular Meeting Recording:</p> <p>https://youtu.be/ASMB3_LiNqQ?si=9U7v9LXxWnKSRn</p> <p>2/5/2025 PAB Regular Meeting Minutes:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-05-Regular%20Meeting%20Minutes_updated.pdf</p>	ODPA	The PAB requested: (1) a one-page summary on how MOUs are developed and renewed; (2) a review of whether AI can help analyze MOUs; (3) prioritization of immigration-related MOUs and Berkeley's sanctuary status; and (4) copies of any Homeland Security MOUs on immigration. (1:28:50 - 1:30:30)	Completed – The request was completed by ODPA as detailed in the memo 10.a. on the 4/23/2025 Agenda Packet. Memo Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-04-17%20PAB%20Regular%20Meeting%20Packet.pdf#Page=20
12	<p>2/19/2025 PAB Regular Meeting Recording:</p> <p>https://youtu.be/9jOYSyLtZc0?si=JtMEtoSvHbkYpDWL</p> <p>2/19/2025 PAB Regular Meeting Minutes:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-19-Regular%20Meeting%20Minutes_updated.pdf</p>	ODPA	The PAB requested that staff explore whether other agencies have comparable policies on conflicts of interest when officers are responding to calls made by a party who has filed a complaint against them. (1:11:30 - 1:12:08)	Open – In relation to 2025-PR-0001 This request is still active because the Board requested this as part of the policy review.

	ult/files/legislative-body-meeting-minutes/2025-02-19%20Regular%20Meeting%20Minutes.v2.pdf			
13	<p>2/19/2025 PAB Regular Meeting Recording: https://youtu.be/9jOYSyLtZc0?si=JtMEtoSvHbkYpDWL</p> <p>2/19/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-19%20Regular%20Meeting%20Minutes.v2.pdf</p>	Mayor's Office	The PAB requested that staff coordinate with the Mayor's Office to obtain advance notice of meeting agendas. (43:20 - 44:30)	Open - This request is still active.
14	<p>2/19/2025 PAB Regular Meeting Recording: https://youtu.be/9jOYSyLtZc0?si=JtMEtoSvHbkYpDWL</p> <p>2/19/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-19%20Regular%20Meeting%20Minutes.v2.pdf</p>	ODPA	The PAB requested that the three-minute time frame for public comment be consistently upheld. (1:51:20 - 1:51:56)	Completed- The request was upheld in all meetings after the initial request.

	minutes/2025-02-19%20Regular%20Meeting%20Minutes.v2.pdf			
15	<p>2/19/2025 PAB Regular Meeting Recording: https://youtu.be/9jOYSyLtZc0?si=JtMEtoSvHbkYpDWL</p> <p>2/19/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-19%20Regular%20Meeting%20Minutes.v2.pdf</p>	ODPA	<p>The PAB requested that a training compliance checklist be provided for current Board members. (1:41:01 - 1:45:44)</p>	<p>Completed – A memo highlighted from BM Cayetano includes all trainings mandating the training requirements for Board Members to ensure compliance.</p> <p>Memo Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-02-19%20PAB%20Regular%20Meeting%20Packet_Final.pdf#page=77</p>
16	<p>3/5/2025 PAB Regular Meeting Recording: https://youtu.be/X-c0A5Uc--0?si=JYVoTEGAN6i2C_2G</p> <p>3/5/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-03-05%20PAB%20Regular%20Meeting%20Minutes.v2.pdf</p>	ODPA	<p>The PAB requested that staff compile a complete list of identified MOUs. (1:22:14 - 1:23:00)</p>	<p>Completed – Staff has compiled a list of identified MOUS.</p> <p>Link: https://acrobat.adobe.com/link/review?uri=urn%3Aaaid%3Ascds%3AUS%3A3a637aa7-7359-45a1-81ed-dee245c93f83&viewer%21megaVerb=group-discover</p>

	e-body-meeting-minutes/2025-03-05%20Regular%20Meeting%20Minutes.v2.pdf			
18	<p>3/05/2025 PAB Regular Meeting Recording: https://youtu.be/X-c0A5Uc--0?si=MIsBZSeKeSARbQ_U&t=1053</p> <p>3/05/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-03-05%20Regular%20Meeting%20Minutes.v2.pdf</p>	BPD	The PAB requested that ODPa reach out to the BPD so that BPD may provide records regarding controlled equipment as per Ordinance NO. 7,760-N.S., the Police Equipment and Community Safety Ordinance. Section 2.100.050. (16:08-20:03)	<p>Open – The ODPa submitted a records request to the BPD on March 7, 2025; as of May 2, 2025, the BPD has not yet provided the requested records.</p> <p>Records Requested:</p> <p>Regarding Incidents (BPD 2024 Equipment and Utilization List) #7, #20, #26, #29, #46:</p> <p>All police and investigative reports including but not limited to narratives, supplemental reports, arrest reports and CAD reports; BWC videos from all officers who were present; videos gathered by BPD or submitted to BPD; 911 calls or any calls for service; Dispatch communications with BPD.</p> <p>2024 Police Equipment and Community Safety Ordinance Annual Report Link:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-03-05%20PAB%20Regular%20Meeting%20Packet%20-%20Amended_Final.pdf#page=63</p>

19	<p>3/19/2025 PAB Regular Meeting Recording: https://youtu.be/0xT6Jf7nMes?si=CU_5HrZ7iKEK2K1E</p> <p>3/19/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-03-19%20Regular%20Meeting%20Minutes.pdf</p>	ODPA	<p>The PAB requested that staff draft a short memo regarding BPD's annuals report and the PAB's suggestions. (1:29:40 - 1:30:06)</p>	<p>Completed – The request was completed by ODPa detailing a memo on annual report recommendations presented during the 04/09/25 PAB Meeting.</p> <p>Memo Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-04-09%20PAB%20Regular%20Meeting%20Pkt_Finalv2.pdf#page=35</p>
20	<p>3/19/2025 PAB Regular Meeting Recording: https://youtu.be/0xT6Jf7nMes?si=CU_5HrZ7iKEK2K1E</p> <p>3/19/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-03-19%20Regular</p>	BPD	<p>The PAB noted that it was previously mentioned that BPD training videos available for viewing. The PAB requested access to those videos from Deputy Chief Tate. (20:08 - 20:37)</p>	<p>Completed - This request is being marked as completed as Lt. Montgomery indicated that the videos are on YouTube.</p> <p>Link: https://www.youtube.com/@CaliforniaPOST</p> <p>3/5/2025 PAB Regular Meeting (Initial Date of Request): https://www.youtube.com/watch?v=X-c0A5Uc--0&t=4971s</p>

	%20Meeting%20Minutes.pdf			
21	<p>4/9/2025 PAB Regular Meeting Recording:</p> <p>https://youtu.be/HNdbV36FvB4?si=YBOS2cmP9aueS2Rg</p> <p>4/9/2025 PAB Regular Meeting Minutes:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-04-09%20Regular%20Meeting%20MinutesFinal.pdfattachments/2025-04-09%20PAB%20Regular%20Meeting%20Pkt_Finalv2.pdf</p>	ODPA	The PAB requested that all Board requests be clearly reflected in the meeting minutes to ensure easier tracking and follow-up. (56:39 - 56:55)	Completed – ODPA drafted a memo with outstanding requests which will be presented by the ODPA during the 4/23 PAB meeting.
22	<p>4/9/2025 PAB Regular Meeting Recording:</p> <p>https://youtu.be/HNdbV36FvB4?</p>	City Attorney's Office	The PAB requested that staff consult with the City Attorney to clarify a discrepancy regarding whether the municipal code	<p>Closed– This request has been closed out by Chair Cayetano.</p> <p>Municipal Code: Ch. 2.04 City Council Berkeley Municipal Code https://berkeley.municipal.codes/BMC/2.04_Art3</p>

	si=YBOS2cmP9 auaS2Rg 4/9/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-04-09%20Regular%20Meeting%20MinutesFinal.pdf		requires annual renewal of MOUs. (56:18 - 56:40)	
23	4/9/2025 PAB Regular Meeting Recording: https://youtu.be/HNdbV36FvB4?si=YBOS2cmP9auaS2Rg 4/9/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-04-09%20Regular%20Meeting%20MinutesFinal.pdf	ODPA; BPD	The PAB requested that the Chair, Police Chief, and Director of Police Accountability collaborate to consolidate all Fair and Impartial Policing (FIP) data into a single document. (1:08:55 - 1:10:15)	Open- The request is still active. There are multiple steps to the request and as highlighted in section 10.d.ii of the 4/23/25 PAB Regular meeting agenda packet, a joint letter from Chair Cayetano and Chief Louis was sent to Berkeley City Council Public Safety Committee. Joint Letter Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-04-17%20PAB%20Regular%20Meeting%20Packet.pdf#page=73
24	4/23/2025 PAB Regular	ODPA	The PAB Requested a follow-up memorandum to	Completed – This request is being presented to the PAB on 5/7/2025.

	<p>Meeting Recording: https://youtu.be/O6T wz Gm Hcb4?si=q3kcoWIKiXG2rRom</p> <p>4/23/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Draft%20-%202025-04-23%20Regular%20Meeting%20Minutes.pdf</p>		<p>ODPA Policy Review Report No. 19 in which they present revisions to recommendation 1 of the report and address the questions of the Specialized Care Unit's potential involvement in this incident. (1:52:05-1:55:08)</p>	
25	<p>4/23/2025 PAB Regular Meeting Recording: https://youtu.be/O6T wz Gm Hcb4?si=q3kcoWIKiXG2rRom</p> <p>4/23/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Draft%20-%202025-04-23%20Regular</p>	ODPA	<p>The PAB requested that the ODPA draft a letter on its behalf stating that, due to the absence of requested data, the PAB is unable to effectively review the BPD's 2024 Controlled Equipment Report. The letter should designate Chair Cayetano to approve the final version. (2:25:08-2:31:06)</p>	<p>Completed – The letter was drafted and provided to Chair Cayetano. Who reviewed the letter before submission.</p> <p>The letter can be found on the PAB's website: https://berkeleyca.gov/sites/default/files/documents/2025-05-01%20PAB%20Letter%20to%20Council-%20Impediments%20to%20PABs%20Review%20of%20the%202024%20Controlled%20Equipment%20Report.pdf</p>

	%20Meeting%20Minutes.pdf			
26	<p>4/23/2025 PAB Regular Meeting Recording: https://youtu.be/O6TwzGmHcb4?si=g3kcoWIKiXG2rRom</p> <p>4/23/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Draft%20-%202025-04-23%20Regular%20Meeting%20Minutes.pdf</p>	City Council	The PAB requests that the City Council support measures to ensure timely and complete cooperation with all lawful requests made by the Board in the course of its independent oversight responsibilities	<p>Open - The PAB sent a letter to City Council titled “Impediments to PAB’s Mandated Review of the 2024 Controlled Equipment Report.” The letter cites active impediments in the PAB’s ability to fulfil its oversight function as prescribed by BMC 2.100.050 (https://berkeley.municipal.codes/BMC/2.100.050) on May 1, 2025.</p> <p>Link to Letter: https://berkeleyca.gov/sites/default/files/documents/2025-05-01%20PAB%20Letter%20to%20Council-%20Impediments%20to%20PABs%20Review%20of%20the%202024%20Controlled%20Equipment%20Report.pdf</p>
27	<p>4/23/2025 PAB Regular Meeting Recording: https://youtu.be/O6TwzGmHcb4?si=g3kcoWIKiXG2rRom</p> <p>4/23/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Draft%20-%202025-04-23%20Regular</p>	City Council	The PAB requests that the City Council refrain from accepting the 2024 Controlled Equipment Report—or any future Controlled Equipment Reports submitted by the Berkeley Police Department—until the Department has complied with the review process mandated under the Police Equipment and Community Safety Ordinance.	<p>Open - The PAB sent a letter to City Council titled “Impediments to PAB’s Mandated Review of the 2024 Controlled Equipment Report.” The letter cites active impediments in the PAB’s ability to fulfil its oversight function as prescribed by BMC 2.100.050 (https://berkeley.municipal.codes/BMC/2.100.050) on May 1, 2025.</p> <p>Link to Letter: https://berkeleyca.gov/sites/default/files/documents/2025-05-01%20PAB%20Letter%20to%20Council-%20Impediments%20to%20PABs%20Review%20of%20the%202024%20Controlled%20Equipment%20Report.pdf</p>

	%20Meeting%20Minutes.pdf			
--	--	--	--	--