

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 21, 2025
6:30 PM**

Board Members

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

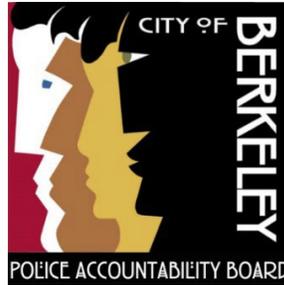
MEETING LOCATION

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

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ITEM 2 - MAY 21, 2025 PAB REGULAR MEETING AGENDA



POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA
WEDNESDAY, May 21, 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 Chochenyo (Chochen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

AGENDA

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

2. APPROVAL OF AGENDA (2 MINUTES)

3. PUBLIC COMMENT (TBD)

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

4. APPROVAL OF MINUTES (5 MINUTES)

- a. Minutes for the Regular Meeting of May 7, 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 25 MINUTES)

- a. Discussion – Overview of ODPAs Duties, Responsibilities, Workplan, and Current Projects (ODPA) – (15 Minutes)
- b. Discussion and action on a recommendation to City Council to submit an amicus brief in the case of *Independent Office of Law Enforcement Review & Outreach v. Sonoma County Sheriff's Office* (ODPA) – (15 Minutes)
- c. Recap, discussion, and action regarding the City Council's review of BPD's 2024 Controlled Equipment Report (ODPA) – (15 minutes)
 - i. PAB-ODPA Updates
 - ii. Recap of Council Discussion
- d. Continued discussion and action on the City of Berkeley's Records Retention Schedule (Leftwich) – (15 Minutes)
 - i. City Clerk's Retention Schedule Update Timeline
 - ii. Berkeley Police Department Retention Schedule
 - iii. PAB-ODPA Retention Schedule
- e. Discussion and action on resubmitting to City Council the PAB's recommendation to adopt a stand-alone arrest quota ban, as outlined in the 2024 report *Berkeley Police Department Texting Offenses: An Independent Investigation by the Police Accountability Board* (ODPA) – (15 Minutes)
- f. Continued discussion and action regarding the BPD's Mutual Aid Agreements with federal immigration officials (Cayetano) – (10 Minutes)

10. PUBLIC COMMENT (TBD)

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

11. CLOSED SESSION**CLOSED SESSION ITEMS**

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

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

- | | | | |
|-------|--------------|-------|--------------|
| i. | 2023-CI-0016 | 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 MAY 7, 2025



POLICE ACCOUNTABILITY BOARD
REGULAR MEETING MINUTES

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

Meeting Recording: <https://youtu.be/pL5VhNQDU60>

MINUTES

1. CALL TO ORDER AND ROLL CALL AT 6:36 PM

Present: Board Member Leah Wilson (Vice Chair)
Board Member Juliet Leftwich
Board Member Randy Wells
Board Member Macharia Edmonds

Absent: Board Member Joshua Cayetano (Chair)
Board Member Kitty Calavita¹
Board Member David Williams²

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

BPD Staff: Deputy Chief Tate
Lieutenant Bonaventure

¹ Board Member Calavita was granted a leave of absence

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

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Leftwich/Edmonds) Motion carried.

Ayes Edmonds, Leftwich, Wells, and Wilson.

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

3. PUBLIC COMMENT

1 *Physically Present Speaker*

0 *Virtually Present Speaker*

4. APPROVAL OF MINUTES

- a. Minutes for the Regular Meeting of April 23, 2025

Motion to approve the Minutes for the Regular Meeting of April 23, 2025

Moved/Second (Leftwich/Wells) Motion carried.

Ayes Edmonds, Leftwich, Wells, and Wilson.

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

5. ODPa STAFF REPORT

Director Aguilar announces that May is Mental Health Awareness Month and informs the PAB about the May 13th event taking place at the North Berkeley Senior Center.³ He also notifies the Board of an opportunity to consider a potential recommendation for an amicus brief in *Independent Office of Law Enforcement Review & Outreach v. Sonoma County Sheriff's Office*, shares information about the upcoming NACOLE training in June⁴, and provides a reminder about the Juneteenth Festival on June 15th.⁵

6. CHAIR AND BOARD MEMBERS' REPORTS

No activities have been reported since the last PAB meeting on April 23, 2025.

7. CHIEF OF POLICE'S REPORT

Deputy Chief Tate provides an update on notable crimes and cases, community engagement and department events, staffing levels, and other relevant matters.

8. SUBCOMMITTEE REPORTS

The PAB Subcommittees report on their activities since the previous PAB meeting on April 23, 2025.

³ Mental Health Awareness Month Event: <https://berkeleyca.gov/community-recreation/events/mental-health-awareness-month-event>

⁴ June 12, 2025 NACOLE Webinar Titled "The New World of Artificial Intelligence: Opportunities for Police Oversight Practitioners?": https://www.nacole.org/2025_nacole_webinar_series_june

⁵ Berkeley Juneteenth Festival Information: <https://berkeleyjuneteenth.org/>

9. DISCUSSION AND ACTION ITEMS

- a. Discussion and action on the City of Berkeley's Records Retention Schedule (Leftwich)
 - i. Berkeley Police Department Retention Schedule
 - ii. PAB-ODPA Retention Schedule

No formal action was taken by the PAB. The Board discussed the existing records retention schedule,⁶ which was approved in 2018, and requested that ODPA staff follow up with the City Clerk regarding the status of any updates. The PAB also expressed interest in providing input on the retention schedules for both BPD and ODPA.

- 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)

Motion to accept the updated recommendation and transmit the recommendation to the Berkeley Police Department with a request for a response within 30-days.

Moved/Second (Leftwich/Wilson) Motion carried.

Ayes Edmonds, Leftwich, Wells, and Wilson.

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

- c. Discussion and action on the PAB-ODPA 2024 Annual Report Draft (ODPA)

No formal action was taken by the PAB. The Board discussed whether to present the report at a Regular or Special City Council meeting. ODPA staff will coordinate with the Metrics & Operations Subcommittees on next steps and will return to the PAB with an updated timeline for the presentation.

- d. Discussion and action on the proposed amendments to the PAB's 2025 Regular Meeting Schedule (Cayetano)

Motion to accept the proposed amendments to the PAB's 2025 Regular Meeting Schedule.

Moved/Second (Wilson/Wells) Motion carried.

Ayes Edmonds, Leftwich, Wells, and Wilson.

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

- 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

Motion to request that the Director, on behalf of the PAB, provide notice to the City Manager pursuant to BMC 2.100.060 by serving the City Clerk.

Moved/Second (Wilson/Leftwich) Motion carried.

Ayes Edmonds, Leftwich, Wells, and Wilson.

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

⁶ City of Berkeley Records Retention Schedule: https://berkeleyca.gov/sites/default/files/2022-05/City%20of%20Berkeley%20Records%20Retention%20Schedule_0.pdf

- f. Discussion and action regarding the BPD's Mutual Aid Agreements⁷ with federal immigration officials⁸ (Cayetano)

Motion to adopt the proposed letter with the requested word changes and added notes regarding the topic related to the ratification of the BPD's Memorandums of Understanding.

Moved/Second (Wilson/Leftwich) Motion carried.

Ayes Edmonds, Leftwich, Wells, and Wilson.

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

10. PUBLIC COMMENT (TBD)

0 Physically Present Speaker

0 Virtually Present Speaker

11. CLOSED SESSION

CLOSED SESSION ITEMS

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

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

No formal action was taken by the PAB. Director Aguilar provides case updates to the Board.

END OF CLOSED SESSION

12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

Vice-Chair Wilson announces closed session action.

13. ADJOURNMENT

Motion to adjourn. Moved/Second (Wilson/Wells). The meeting was adjourned at 8:04 PM by unanimous consent.

⁷ 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>

⁸ 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%894PqxrRi8uAfvugw1ugL7qIMK7bK0tOdoPfZOOj1le1HG10M26eU5oLwKKJYvCUTOu18ymn60ZTrc8%3D/>

ITEM 8 - PAB SUBCOMMITTEE LIST

Updated on 5/16/2025



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 5/16/2025

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 "PAB
RECOMMENDATION TO CITY COUNCIL TO AUTHORIZE THE CITY
ATTORNEY TO SUBMIT AN AMICUS BRIEF IN SUPPORT OF PLAINTIFF IN
IOLERO V. SONOMA COUNTY SHERIFF'S OFFICE"



MEMORANDUM

Date: May 15, 2025
 To: Honorable Members of the Police Accountability Board (PAB)
 From: Hansel Aguilar, Director of Police Accountability (DPA) *Ha*
 Jose Murillo, ODP Policy Analyst *Jm*
 Subject: PAB Recommendation to City Council to Authorize the City Attorney to Submit an Amicus Brief in Support of Plaintiff *in IOLERO v. Sonoma County Sheriff's Office*

The purpose of this memorandum is to present the procedural history of *Independent Office of Law Enforcement Review and Outreach (IOLERO) v. Sonoma County Sheriff's Office and Sonoma County Deputy Sheriffs' Association*¹ and to summarize the key issues addressed in the case. This memorandum also identifies an opportunity for the PAB to consider recommending that the City Council direct the City Attorney to file an amicus brief in support of the plaintiff, IOLERO.

Background

The case of *IOLERO v. Sonoma County Sheriff's Office and Sonoma County Deputy Sheriffs' Association* concerns the scope of IOLERO's authority to issue and enforce subpoenas as part of its civilian oversight responsibilities.

IOLERO was established by the Sonoma County Board of Supervisors in 2015² and its authority was later expanded by voters through the passage of Measure P in

¹ *Independent Office of Law Enforcement Review and Outreach v. Sonoma County Sheriff's Office*, Court of Appeal of the State of California, First Appellate District, Division Three, Case No. A171763: https://appellatecases.courtinfo.ca.gov/search/case/mainCaseScreen.cfm?dist=1&doc_id=3116988&doc_no=A171763&request_token=NilwLSEnTkW6WzBVSCFNXEJJUEg6UVxfJCJOWzxTQCAgCg%3D%3D

² *Independent Office of Law Enforcement Review and Outreach*. (n.d.). *Independent Office of Law Enforcement Review and Outreach (IOLERO) brochure*. Sonoma County.

2020.³ Among other changes, Measure P authorized IOLERO to independently investigate complaints related to the Sheriff's Office and granted it the power to issue subpoenas.

In 2024, IOLERO issued subpoenas as part of a whistleblower investigation involving multiple Sheriff's Office employees. The Sonoma County Sheriff's Office and the Sonoma County Deputy Sheriffs' Association (DSA) objected, asserting that IOLERO lacked authority to compel records and witness testimony. They argued that IOLERO was not expressly designated as an "inspector general" under Government Code § 25303.7⁴—a statute that grants subpoena authority to sheriff oversight bodies and inspector generals—and that a Letter of Agreement (LOA) between the County and DSA limited IOLERO's role to receiving and referring whistleblower complaints, rather than investigating them.

IOLERO petitioned the Sonoma County Superior Court to enforce its subpoenas. In its petition, IOLERO maintained that Measure P conferred the functional equivalent of inspector general powers as described in § 25303.7, and that the LOA could not override a voter-approved ordinance.

The Superior Court denied the petition, finding that IOLERO had not been formally designated as an inspector general and that the LOA controlled in this context. IOLERO appealed the ruling, arguing that the court failed to give effect to the voters' intent and improperly subordinated a local ordinance to a labor agreement.

Relevance to the PAB and ODP

This appellate case has direct and consequential implications for the PAB and ODP—not only because they are civilian oversight bodies with investigative authority, but also because they may, pursuant to their chartered functions, issue subpoenas to entities outside of the Berkeley Police Department, including sheriff's offices or other law enforcement agencies operating under mutual aid or regional task force arrangements.

<https://sonomacounty.ca.gov/Main%20County%20Site/Administrative%20Support%20%26%20Fiscal%20Services/IOLERO/Documents/Archive/Department%20Info/Right%20Column%20Content/IOLERO-Brochure-rem.pdf>

³ Sonoma County. (2020). *Measure P – Independent Office of Law Enforcement Review and Outreach (IOLERO): November 3, 2020 election*.

<https://sonomacounty.ca.gov/Main%20County%20Site/General/Sonoma/Sample%20Dept/Divisions%20and%20Sections/A%20Service/Services/A%20Service/Documents/2020/Measure%20P-IOLERO-November%203-2020.pdf>

⁴ California Government Code § 25303.7 (2021):

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=25303.7

Under Berkeley City Charter Section 125(3)(a)(5)⁵, the PAB has the authority to issue subpoenas for the production of records and testimony necessary to carry out its oversight duties. This includes investigations of complaints, review of policies and practices, and oversight of the Berkeley Police Department’s operations. While this authority is clearly stated in the Charter, its practical enforceability—especially when directed at non-BPD entities—may depend on how courts interpret and apply broader state statutes like Government Code § 25303.7.

In *IOLERO*, the central issue on appeal is whether IOLERO’s director had legal authority under Government Code § 25303.7 to issue and enforce subpoenas as part of an investigation into a whistleblower complaint. Although Sonoma County voters had approved Measure P—granting IOLERO broad oversight authority including subpoena power—the trial court held that IOLERO lacked standing to enforce subpoenas because it was not expressly designated as an “inspector general.” This distinction between title and function poses a risk for oversight agencies, particularly those—like the ODPa/PAB—that may issue subpoenas outside their home department.

This case illustrates the real possibility that a Berkeley-issued subpoena directed at, for example, the Alameda County Sheriff’s Office or another external agency could be challenged on the grounds that ODPa or the PAB lacks enforceable authority under state law. This distinction is especially relevant because while the City of Berkeley is a charter city that governs its municipal police department, sheriff’s offices in California are constitutional offices established by the state constitution and operate independently of municipal oversight structures. Therefore, the case is not only analogous, it is directly relevant to future operations of the ODPa and PAB, especially in investigations or policy reviews involving regional law enforcement collaboration.⁶

Recommendation

Given the potential implications of *IOLERO v. Sonoma County Sheriff’s Office and Sonoma County Deputy Sheriffs’ Association* for the enforceability of subpoena powers held by local civilian oversight bodies, the PAB should consider recommending that the Berkeley City Council direct the City Attorney to file an amicus brief in support of the

⁵ Berkeley City Charter §125(3)(a)(5): [https://berkeley.municipal.codes/Charter/125\(3\)\(a\)\(6\)](https://berkeley.municipal.codes/Charter/125(3)(a)(6))

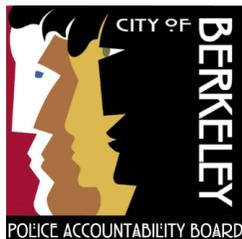
⁶ For example, ODPa investigations may intersect with the Alameda County Sheriff’s Office in circumstances involving multi-agency responses (e.g., crowd control at large-scale events or protests), joint task force operations, or detentions and transfers at county detention facilities. In such cases, oversight responsibilities may require access to records or personnel outside the Berkeley Police Department, and the enforceability of subpoenas issued to external agencies could be subject to legal challenge absent clear statewide or judicial affirmation of such powers.

plaintiff, IOLERO. The proposed draft report and resolutions are included in Attachment 1.

An amicus brief would allow the City of Berkeley to express its interest in preserving the integrity and effectiveness of local police oversight mechanisms—particularly the subpoena authority granted to the PAB under City Charter Section 125. Participation in this case would also affirm Berkeley’s broader commitment to transparent and accountable policing and help shape the legal standards that may affect the PAB’s powers in future proceedings.

Attachments:

1. Proposed Draft Report and Resolutions



ACTION CALENDAR

June 24, 2025

To: Honorable Mayor Ishii and Members of the City Council

From: Police Accountability Board (PAB)

Submitted by: Joshua Cayetano, Chairperson, PAB
Hansel Aguilar, Director of Police Accountability (DPA)

Subject: Authorizing the City Attorney to Submit an Amicus Brief in Support of Plaintiff in *IOLERO v. Sonoma County Sheriff's Office* (Case No. A171763)

RECOMMENDATION

Adopt a resolution authorizing the City Attorney to submit an amicus brief in support of the plaintiff, the Independent Office of Law Enforcement Review and Outreach (IOLERO), in the case *IOLERO v. Sonoma County Sheriff's Office and Sonoma County Deputy Sheriffs' Association* (Cal. Ct. App., 1st Dist., Case No. A171763), currently pending before the California Court of Appeal.

SUMMARY

The case of *Independent Office of Law Enforcement Review and Outreach (IOLERO) v. Sonoma County Sheriff's Office and Sonoma County Deputy Sheriffs' Association* (Cal. Ct. App., 1st Dist., Case No. A171763) concerns whether a civilian oversight agency—established by local ordinance and later expanded by voter initiative—has the legal authority to issue and enforce subpoenas against a sheriff's department.

IOLERO was established by the Sonoma County Board of Supervisors in 2015¹ and its authority was later expanded by voters through the passage of Measure P in 2020.² Among other changes, Measure P authorized IOLERO to independently investigate complaints related to the Sheriff's Office and granted it the power to issue subpoenas.

¹ Independent Office of Law Enforcement Review and Outreach. (n.d.). *Independent Office of Law Enforcement Review and Outreach (IOLERO) brochure*. Sonoma County.

https://sonomacounty.ca.gov/Main%20County%20Site/Administrative%20Support%20%26%20Fiscal%20Services/IOLERO/Documents/Archive/Department%20Info/_Right%20Column%20Content/IOLERO-Brochure-rem.pdf

² Sonoma County. (2020). *Measure P – Independent Office of Law Enforcement Review and Outreach (IOLERO): November 3, 2020 election*.

<https://sonomacounty.ca.gov/Main%20County%20Site/General/Sonoma/Sample%20Dept/Divisions%20and%20Sections/A%20Service/Services/A%20Service/ Documents/ 2020/Measure%20P-IOLERO-November%203-2020.pdf>

In 2024, IOLERO issued subpoenas as part of a whistleblower investigation involving multiple Sheriff's Office employees. The Sonoma County Sheriff's Office and the Sonoma County Deputy Sheriffs' Association (DSA) objected, asserting that IOLERO lacked authority to compel records and witness testimony. They argued that IOLERO was not expressly designated as an "inspector general" under Government Code § 25303.7³—a statute that grants subpoena authority to sheriff oversight bodies and inspector generals—and that a Letter of Agreement (LOA) between the County and DSA limited IOLERO's role to receiving and referring whistleblower complaints, rather than investigating them.

IOLERO petitioned the Sonoma County Superior Court to enforce its subpoenas. In its petition, IOLERO maintained that Measure P conferred the functional equivalent of inspector general powers as described in § 25303.7, and that the LOA could not override a voter-approved ordinance.

The Superior Court denied the petition, finding that IOLERO had not been formally designated as an inspector general and that the LOA controlled in this context. IOLERO appealed the ruling, arguing that the court failed to give effect to the voters' intent and improperly subordinated a local ordinance to a labor agreement.

RATIONALE FOR RECOMMENDATION

The pending appeal in *IOLERO v. Sonoma County Sheriff's Office* presents important legal and policy considerations for the City of Berkeley. Under Berkeley City Charter Section 125(3)(a)(5),⁴ the Police Accountability Board (PAB) is authorized to issue subpoenas for records and testimony in furtherance of its civilian oversight responsibilities. While this authority is clearly stated in the Charter, its practical enforceability—particularly when subpoenas are directed at non-BPD agencies such as a sheriff's office—may be informed by how the courts interpret Government Code § 25303.7.

In this case, the court ruled that IOLERO lacked enforcement authority because it had not been formally designated as an "inspector general," even though voters had granted it broad oversight powers. This interpretation—focusing on title over function—poses a risk for other oversight entities, including Berkeley's PAB and ODP, especially in cross-jurisdictional contexts.

This distinction is particularly relevant because, while the City of Berkeley is a charter city that governs its municipal police department, sheriff's offices in California are constitutional offices that operate independently of municipal oversight structures. Therefore, a Berkeley-issued subpoena to, for example, the Alameda County Sheriff's Office, could face the same legal vulnerability as IOLERO's subpoena—raising

³ California Government Code § 25303.7 (2021):

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=25303.7

⁴ Berkeley City Charter §125(3)(a)(5) : [https://berkeley.municipal.codes/Charter/125\(3\)\(a\)\(5\)](https://berkeley.municipal.codes/Charter/125(3)(a)(5))

substantial questions about the enforceability of local oversight powers across jurisdictions.

Supporting IOLERO's position through an amicus brief reinforces Berkeley's commitment to transparent, effective civilian oversight, and helps protect the legal foundation upon which the PAB's and ODPAs' Charter-granted authorities rest.

ENVIRONMENTAL SUSTAINABILITY

This resolution has no direct environmental sustainability implications.

CONTACT PERSON

Hansel Aguilar, Director of Police Accountability, ODPAs, 510-981-4950

Attachments:

1: Resolution

DRAFT

RESOLUTION NO. ##,###-N.S.

RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SUBMIT AN AMICUS BRIEF IN SUPPORT OF PLAINTIFF IN *INDEPENDENT OFFICE OF LAW ENFORCEMENT REVIEW AND OUTREACH (IOLERO) V. SONOMA COUNTY SHERIFF'S OFFICE*

WHEREAS, with the passage of Measure II by overwhelming voter support, the City of Berkeley established the Police Accountability Board (PAB) and the Office of the Director of Police Accountability (ODPA); and

WHEREAS, the PAB and ODPA were created to promote public trust through independent, objective civilian oversight of the Berkeley Police Department, to provide community participation in reviewing and shaping police policies and practices, and to ensure prompt, impartial investigations of complaints brought by members of the public against sworn police employees; and

WHEREAS, under Berkeley City Charter Section 125(3)(a)(5), the PAB is granted the authority to issue subpoenas in support of its oversight functions, and under Section 125(20)(c), the Director of Police Accountability (ODPA) is similarly empowered to issue subpoenas as part of the Director's investigatory responsibilities; and

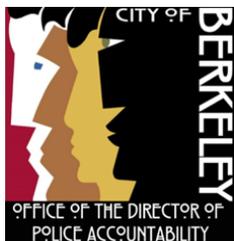
WHEREAS, the case *Independent Office of Law Enforcement Review and Outreach (IOLERO) v. Sonoma County Sheriff's Office* raises critical legal questions about whether civilian oversight agencies can enforce subpoenas against sheriffs' offices when not formally designated as "inspector generals"; and

WHEREAS, this ruling has implications for oversight entities like the PAB and ODPA, which may issue subpoenas in cross-jurisdictional matters involving county sheriffs or regional task forces; and

WHEREAS, the case highlights the need to protect functionally conferred oversight authority and could affect how courts interpret similar powers under city charters statewide;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Attorney is hereby authorized to submit an amicus brief in support of IOLERO in the Appellate Court of the State of California in *Independent Office of Law Enforcement Review and Outreach (IOLERO) v. Sonoma County Sheriff's Office*.

ITEM 9.C. - ODPA MEMORANDUM TO THE PAB TITLED "SUMMARY OF
SUBPOENAS ISSUED BY THE POLICE ACCOUNTABILITY BOARD (PAB) AND
OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY (ODPA)"



MEMORANDUM

Date: May 16, 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

Subject: Summary of Subpoenas Issued by the Police Accountability Board (PAB) and Office of the Director of Police Accountability (ODPA)

This memorandum provides an overview to the types of materials that the PAB (or ODPa pursuant to delegated authority) has requested through administrative subpoenas.

Authority:

Berkeley City Charter Article XVIII, Section 125(e),¹ empowers the PAB to issue subpoenas: “The Board shall have the authority to issue subpoenas to compel the production of books, papers, and documents and to compel the attendance of witnesses at public or closed hearings.”

Overview of Historically Subpoenaed Materials:

Category	Examples of Materials
Surveillance and Video Footage	<ul style="list-style-type: none"> • CCTV footage (including from private businesses, the BPD Jail, and the Public Safety Building) • Body-worn camera footage
Reports and Written Records	<ul style="list-style-type: none"> • Incident reports (including those from BPD personnel and third-party entities) • Internal Affairs reports • District Attorney records • Medical records
Interview Materials	<ul style="list-style-type: none"> • Interview recordings • Interview transcripts
Communications Records	<ul style="list-style-type: none"> • City-issued cell phone records, including text messages and chat logs
Property and Booking Records	<ul style="list-style-type: none"> • Property receipts and records of booked property from detention facilities such as Santa Rita Jail

¹ Berkeley City Charter §125(20)(a)(c): [https://berkeley.municipal.codes/Charter/125\(20\)\(a\)\(c\)](https://berkeley.municipal.codes/Charter/125(20)(a)(c))

ITEM 9.E. - ODPA MEMORANDUM TO THE PAB TITLED "PAB
RECOMMENDATION FOR THE ADOPTION OF STAND-ALONE ARREST
QUOTA BAN"



MEMORANDUM

Date: May 16, 2025

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

From: Hansel Aguilar, Director of Police Accountability (DPA) *HA*
 Jose Murillo, ODPa Policy Analyst *JM*

Subject: PAB Recommendation for the Adoption of Stand-Alone Arrest Quota Ban

The purpose of this memorandum is to provide the PAB with the staff report needed to resubmit its recommendation for the adoption of a stand-alone arrest quota ban, as outlined in its 2024 report, *Berkeley Police Department Texting Offenses: An Independent Investigation by the Police Accountability Board*.¹

Background:

On November 10, 2022, Corey Shedoudy, a former member of the BPD's Downtown Task Force and Bike Unit (DTF), alleged that the DTF maintained arrest quotas and employed questionable legal tactics, such as 'stop and frisk,' probationary searches without reasonable suspicion, and a broad interpretation of stay-away orders from UC Berkeley.² To support his claims, Officer Shedoudy provided a series of text messages from the DTF that included derogatory comments about homeless individuals and people of color, along with what appeared to be an internal arrest goal dubbed "Operation 100."

In response to these allegations, the PAB initiated a policy review on November 15, 2022,³ exercising its authority under Section 125(17)(a) of the Berkeley City Charter.⁴ A subcommittee was formed to examine the policies and practices related to the allegations. In December 2022, the City of Berkeley retained the law firm Swanson & McNamara to

¹ PAB Report "Berkeley Police Department Texting Offenses: 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

² Former Officer Shedoudy's November 10, 2022 Email to the City Council: <https://static1.squarespace.com/static/5edeeebc3032af28b09b6644/t/63725d28d35f087529c42dda/1668439336808/Shedoudy+email+11-10-22.png>

³ Minutes for the November 15, 2022 PAB Special Meeting: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/cc.2022-11-15%20SpecMtg.approved.minutes%20%281%29.pdf>

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

investigate the claims.⁵ During the investigation, the text messages provided by Mr. Shedoudy were authenticated.

On April 15, 2025, the PAB presented its policy review findings to the full City Council, which included a range of recommendations.⁶ One recommendation was for the Council to direct the BPD, in collaboration with the PAB, to develop a new, freestanding policy explicitly prohibiting all forms of arrest quotas. However, the Council did not take formal action on this item, as the staff report did not specifically present the recommendations outlined in the report. Instead, the Council adopted Resolution Number 71,718-N.S.,⁷ which expressed support for the BPD, PAB, and the Office of the Director of Police Accountability in response to the Downtown Task Force Texting Offenses Investigation.

Therefore, to be considered by Council, the recommendation must be resubmitted with a clear request for its adoption.

Recommendation:

The PAB should approve the report as presented to the City Council and direct staff to resubmit the item for inclusion on the next available regular meeting agenda.

Attachments:

1. Staff Report to Council with the relevant resolution and proposed policy.

⁵ City of Berkeley Contract for services with Swanson & McNamara LLP, Vendor Contract #32300109
<https://records.cityofberkeley.info/PublicAccess/api/Document/AU3fuyqXQXXZ%C3%81TG8am4tuCPyplZzCFLJZsbxFqBxmJ3aQZTBcxS%C3%89E7ECp9r6A30gZuhAlmseUFcNLLtKRrEId7g%3D/>

⁶ Annotated Agenda for the April 15, 2025 Regular Meeting of the City Council:
<https://berkeleyca.gov/sites/default/files/city-council-meetings/2025-04-15%20Annotated%20Agenda%20-%20Council.pdf>

⁷ Berkeley City Council Resolution 71,718-N.S. "AFFIRMING SUPPORT FOR BERKELEY POLICE DEPARTMENT, POLICE ACCOUNTABILITY BOARD, AND OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY IN RESPONSE TO DOWNTOWN TASK FORCE TEXTING OFFENSES INVESTIGATION:"
<https://records.cityofberkeley.info/PublicAccess/api/Document/AQgXr9ZJhNg6JlqniluP5npvGA06MCwLjOEM8%C3%89Z3iQYBHQF%C3%81rrnRJpfck3tiWMLvZOIZZUqWdl1z9dC8qulnE%C3%814%3D/>



ACTION CALENDAR

[TBD]

To: Honorable Mayor and Members of the City Council

From: Police Accountability Board (PAB)

Submitted by: Joshua Cayetano, Chair of the Police Accountability Board
Hansel A. Aguilar, Director of Police Accountability (DPA)

Subject: Adoption of Stand-Alone Arrest Quota Ban

RECOMMENDATION

Adopt a resolution directing the Berkeley Police Department (BPD), in collaboration with the Police Accountability Board (PAB), to develop a new, freestanding policy that explicitly prohibits all forms of arrest quotas.

FISCAL IMPACTS OF RECOMMENDATION

There are no identifiable fiscal impacts of the recommendation.

CURRENT SITUATION AND ITS EFFECTS

On November 10, 2022, Corey Shedoudy, a former member of the BPD's Downtown Task Force and Bike Unit (DTF), alleged that the DTF maintained arrest quotas and employed questionable legal tactics, such as "stop and frisk," probationary searches without reasonable suspicion, and a broad interpretation of stay-away orders from UC Berkeley.¹ To support his claims, Officer Shedoudy provided a series of text messages from the DTF that included derogatory comments about homeless individuals and people of color, along with what appeared to be an internal arrest goal dubbed "Operation 100."

In response to these allegations, the PAB initiated a policy review on November 15, 2022,² exercising its authority under Section 125(17)(a)³ of the Berkeley City Charter. A subcommittee was formed to examine the policies and practices related to the allegations.

¹ Former Officer Shedoudy's November 10, 2022 Email to the City Council:

<https://static1.squarespace.com/static/5edeeebc3032af28b09b6644/t/63725d28d35f087529c42dda/1668439336808/Shedoudy+email+11-10-22.png>

² Minutes for the November 15, 2022 PAB Special Meeting: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/cc.2022-11-15%20SpecMtg.approved.minutes%20%281%29.pdf>

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

In December 2022, the City of Berkeley retained the law firm Swanson & McNamara to investigate the claims.⁴ During the investigation, the text messages provided by Mr. Shedoudy were authenticated.

On April 15, 2025, the PAB presented its policy review findings to the full City Council, which included a range of recommendations.⁵ One of these was for the Council to direct the BPD, in collaboration with the PAB, to develop a new, freestanding policy explicitly prohibiting all forms of arrest quotas. However, the Council did not take formal action on this item, as the staff report did not specifically present the recommendations outlined in the report. Instead, the Council adopted Resolution Number 71,718-N.S.,⁶ which expressed support for the BPD, PAB, and the Office of the Director of Police Accountability in response to the Downtown Task Force Texting Offenses Investigation.

BACKGROUND

The purpose of the PAB is to promote public trust through independent, objective civilian oversight of the Berkeley Police Department, provide community participation in setting and reviewing Police Department policies, practices, and procedures, and offer a means for prompt, impartial, and fair investigations of complaints brought by members of the public against sworn employees of the Berkeley Police Department.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with this report.

RATIONALE FOR RECOMMENDATION

The issue of police arrest quotas has roots in Berkeley, a city known for progressive policy reform. In 1975, Assembly member John Miller introduced California's first bill to ban arrest quotas, criticizing them as "unfair, undemocratic, and unjust." While the ban is often assumed to cover all arrest activities, it currently only applies to the California Vehicle Code, leaving gaps in enforcement related to pedestrians, cyclists, and general patrol.

The PAB's report, Berkeley Police Department Texting Offenses: An Independent Investigation by the Police Accountability Board, reveals that while the BPD's DTF did not

⁴ City of Berkeley Contract for services with Swanson & McNamara LLP, Vendor Contract #32300109
<https://records.cityofberkeley.info/PublicAccess/api/Document/AU3fuyqXQXXZ%C3%81TG8am4tuCPyplZzCFLJZsbxQFxmJ3aQZTBcxS%C3%89E7ECp9r6A30gZuhAlmseUFcNLLtKRrEld7g%3D/>

⁵ Annotated Agenda for the April 15, 2025 Regular Meeting of the City Council:
<https://berkeleyca.gov/sites/default/files/city-council-meetings/2025-04-15%20Annotated%20Agenda%20-%20Council.pdf>

⁶ Berkeley City Council Resolution 71,718-N.S. "AFFIRMING SUPPORT FOR BERKELEY POLICE DEPARTMENT, POLICE ACCOUNTABILITY BOARD, AND OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY IN RESPONSE TO DOWNTOWN TASK FORCE TEXTING OFFENSES INVESTIGATION:"

<https://records.cityofberkeley.info/PublicAccess/api/Document/AQgXr9ZJhNg6JlqniluP5npvGA06MCwljOEM8%C3%89Z3iQYBHQF%C3%81rrnRjpfck3tiWMLvZOIZZUqWdl1z9dC8quInE%C3%814%3D/>

formally set arrest quotas, there was significant pressure to meet high arrest numbers. Communications referenced “Operation 100,” where officers were expected to make 100 arrests per month. Though officers denied the term “quota,” they acknowledged the high expectations as a measure of productivity.

Given this context, the PAB recommends that City Council direct the BPD and PAB to collaborate on a new policy that explicitly bans all forms of arrest quotas, whether formal or informal, across all modes of enforcement. This would strengthen accountability, protect marginalized communities, and align with Berkeley’s values of justice and public trust.

CONTACT PERSON

Hansel A. Aguilar, Director of Police Accountability
Office of the Director of Police Accountability, (510) 981-4950

Attachments:

- 1: Proposed Resolution
- 2: PAB Proposed Policy Banning Quotas

DRAFT

RESOLUTION NO. ##,###-N.S.

**RESOLUTION OF THE CITY COUNCIL OF BERKELEY DIRECTING THE BERKELEY
POLICE DEPARTMENT AND THE POLICE ACCOUNTABILITY BOARD TO
COLLABORATE ON THE DEVELOPMENT OF A STAND-ALONE POLICY
PROHIBITING ALL FORMS OF ARREST QUOTAS**

WHEREAS, the City of Berkeley has long been a leader in progressive policy reform and has a deep commitment to ensuring fairness, accountability, and transparency in policing; and

WHEREAS, arrest quotas—whether formal, informal, or implicit—are inconsistent with the principles of justice and community policing, and their use can lead to undue pressure on officers, adversely affect community trust, and disproportionately impact marginalized populations; and

WHEREAS, Assembly member John Miller introduced the first California bill to ban arrest quotas in 1975, recognizing their inherent injustice and the harm they can cause to both officers and the public; and

WHEREAS, the Police Accountability Board's (PAB) investigation revealed that while no formal quotas were set, there were expectations for high arrest numbers, fostering a culture that prioritized quantity over quality in law enforcement actions; and

WHEREAS, the current statutory protections against arrest quotas under California law are limited to the California Vehicle Code, leaving other forms of enforcement unprotected; and

WHEREAS, there is a need to clarify and codify a local policy prohibiting all forms of arrest quotas across all modes of enforcement in order to uphold the City's values of justice, accountability, and public trust.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Berkeley Police Department, in collaboration with the PAB, is directed to develop a new, freestanding policy that explicitly prohibits all forms of arrest quotas, whether formal, informal, or implicit, across all modes of enforcement, including vehicle, pedestrian, and cyclist enforcement to be adopted by no later than 180 calendar days from the adoption of this resolution.

STOP, ARREST, AND TICKET QUOTAS PROHIBITION

XXX.1 PURPOSE AND SCOPE

The Berkeley Police Department (BPD) is committed to fostering fair and equitable law enforcement practices that prioritize public safety and community well-being. The purpose of this policy is to explicitly prohibit the imposition of stop, ticket, and arrest quotas in any law enforcement activities conducted by the Berkeley Police Department. This goes beyond the parameters defined in the California Vehicle Code § 41603.

Stop, ticket and arrest quotas, whether formal or informal, establish numerical targets for officers, compelling them to issue citations or make arrests based on predetermined numbers rather than legitimate law enforcement needs. This policy aims to uphold the values of fairness, impartiality, and community-focused policing, ensuring that enforcement actions are driven by genuine circumstances and the safety needs of our community.

This policy reflects the Berkeley Police Department's unwavering dedication to maintaining high standards of ethical conduct and professionalism while serving and safeguarding the interests of the Berkeley community.

XXX.2 POLICY

This policy unequivocally prohibits the use of quotas (**whether informal or formal**) to require or encourage officers to meet predetermined numerical targets for stops, tickets, or arrests.

The Berkeley Police Department is committed to promoting public trust, transparency, and accountability in all law enforcement endeavors. This policy serves as a cornerstone in guiding our officers to conduct themselves with integrity, professionalism, and a commitment to community service, devoid of the imposition of arbitrary enforcement quotas that could compromise these principles.

Officers are encouraged to prioritize public safety and law enforcement compliance based on objective circumstances and genuine enforcement necessities, fostering a culture of equitable and community-oriented policing.

XXX.3 DEFINITION

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

STOP, ARREST AND TICKET QUOTAS PROHIBITION

Arrest quota means any policy, practice, or directive that explicitly requires or pressures a peace officer or parking enforcement employee to make a certain number of arrests.

Ticket quota means any policy, practice, or directive that explicitly requires or pressures a peace officer or parking enforcement employee to issue a certain number of citations or tickets.

Informal quota means any policy, practice, or directive that implicitly requires or pressures a peace officer or parking enforcement employee to make a certain number of arrests or issue a certain number of citations. This includes, but is not limited to, the following:

- (a) Talking about specific stop, arrest, or citation targets in a way that suggests they are important.
- (b) Linking performance evaluations or promotions to arrest or citation numbers.
- (c) Providing incentives such as barbecues (BBQ), pizza, gift cards, car wash coupons, and trophies to officers who meet quotas.
- (d) Offering overtime.
- (e) Establishing adverse employment actions such as denial of days off, transfers, undesirable assignments, and termination.
- (f) Creating a competitive environment where officers are encouraged to make more arrests or issue more citations than their colleagues.
- (g) Making jokes or innuendos that incentivize achieving a specific number of stops, arrests, or tickets.

LEGISLATIVE UPDATES RELEVANT TO THE PAB'S WORK



MEMORANDUM

Date: May 16, 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: Confidentiality of Records”</u>	<i>(Engrossed)</i> 2025-05-08 - In Senate. Read first time. To	This bill expands redaction requirements under the California Public Records Act, requiring law enforcement agencies to remove identifying details of undercover

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

	Com. on RLS. for assignment.	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>	<i>(Introduced)</i> 2025-05-06 - Read second time. Ordered to third reading.	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 May 7, 2025.

City of Berkeley Council Meeting Updates

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

May 20, 2025 – Regular Meeting of the City Council

ITEM	DESCRIPTION	RECOMMENDATION
20	<p>Contract No. 32400003 Amendment: Cooke & Associates Background Investigations</p> <p>Item Link: https://berkeleyca.gov/sites/default/files/documents/2025-05-20%20Item%2020%20%20Contract%20No.%2032400003%20Amendment%20%20Cooke%20Associates%20Background.pdf</p>	<p>Adopt a Resolution authorizing the City Manager to execute a contract amendment with Cooke & Associates, a background investigation services provider for public safety personnel, to increase the contract amount by \$280,000 to a total contract of \$580,000 and extend the contract term for two additional years expiring on July 31, 2028.</p> <p>This service is used by the BPD, BFD, and ODPa for background investigations prior to hiring.</p>
21	<p>2024 Police Equipment and Community Safety Ordinance Annual Report</p> <p>Item Link: https://berkeleyca.gov/sites/default/files/documents/2025-05-20%20Item%2021%202024%20Police%20Equipment%20and%20Community%20Safety%20Ordinance%20Annual%20Report.pdf</p>	<p>Adopt a Resolution approving the 2024 Police Equipment and Community Safety Ordinance Annual Report.</p>

Relevant Case Law

Barnes v. Felix (2025) - The U.S. Supreme Court unanimously struck down the Fifth Circuit's "moment-of-threat" rule in *Barnes v. Felix*, ending a legal doctrine that limited civil liability for police by focusing only on the moments before a shooting. The ruling stems from the 2016 fatal shooting of Ashtian Barnes during a traffic stop near Houston.

POLICY REVIEW STATUS UPDATES

Updated May 16, 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 16, 2025, the Police Accountability Board (PAB) has 13 open policy reviews. There has been no new policy review submitted to the PAB since the last meeting on May 7, 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 16, 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.

Updated May 16, 2025

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	
The complainant raised concerns about the Berkeley Police Department's inconsistent parking enforcement, specifically the failure to ticket out-of-state vehicles for violations. They allege that officers dismiss issuing citations for such vehicles due to difficulty in collecting fines, particularly during the UC Berkeley academic year, causing neighborhood inconveniences.	
Activity Report	
Evaluating for potential referrals to subcommittee or PAB members.	

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	
The complainant reports ongoing disturbances, harassment, and restraining order violations by a neighbor's caretaker, raising concerns about enforcement by the Berkeley Police Department. This policy review will examine BPD's handling of interactions with elder adults and its practices regarding restraining orders, as the complainant indicates possible misunderstandings of order terms. Despite multiple encounters and existing orders, the complainant reports continued issues with enforcement.	
Activity Report	

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 16, 2025

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

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	
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	

Updated May 16, 2025

This policy complaint concerns an incident on October 7, 2023, at University Avenue and California Street, where a BPD officer stopped, handcuffed, interrogated, and then released a cyclist.

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

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

Summary

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

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

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

Summary

This review aims to assess the feasibility of AI-assisted report writing and identify potential benefits and concerns associated with its use by law enforcement.

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

Policy Review Number	2024-PR-0005
Policy Topic	BPD Relationship with Downtown Berkeley Ambassadors
Relevant Policy	BPD Policy 300 "Use of Force"

Updated May 16, 2025

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

Policy Review Number	2024-PR-0006
Policy Topic	BPD's Use of the Specialized Care Unit
Relevant Policy	BPD Policy 409 "Crisis Intervention" BPD Policy 410 "Mental Illness Commitments"
Status	Open
Date Presented to the PAB	11/13/2024
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA
Summary	
The complaint details an October 5, 2024, incident where a young woman in a mental health crisis was handcuffed after a domestic violence report. The complainant expressed concern over her distress and the absence of a mental health response, with officers allegedly stating they lacked time for such resources.	
Activity Report	
Evaluating for potential referrals to subcommittee or PAB members.	

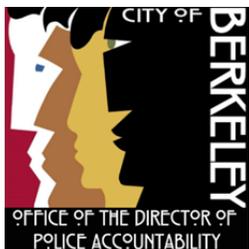
Policy Review Number	2024-PR-0008
Policy Topic	Records Retention
Relevant Policy	BPD Policy 804 "Record Maintenance and Release"
Status	Open
Date Presented to the PAB	1/8/2025
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.

Updated May 16, 2025

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.	

Policy Review Number	2025-PR-0001
Policy Topic	Contact Between Complaint Subject Officer and Complainant During Calls for Service
Relevant Policy	BPD Policy 1004 "Anti-Retaliation" BPD Policy 1010 "Personnel Complaints"
Status	Open
Date Presented to the PAB	02/19/2025
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB Member w/ Support of ODPA
Summary	
The Complainant reported two interactions with BPD in January 2025, involving officers who were either subjects of their prior complaints to the PAB or involved in other litigation. They expressed concerns about potential retaliation or bias, believing they should not interact with officers they had previously filed complaints against.	
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. ODPA Staff drafted and forwarded that request on May 12, 2025 and is awaiting a response.	

LIST OF PENDING PAB REQUEST



MEMORANDUM

Date: Friday, May 16, 2025
To: Honorable Members Police Accountability Board (PAB)
From: Hansel Aguilar, Director of Police Accountability (DPA) *HA*
 Jose Murillo, ODPa Policy Analyst *JM*
 Syed Mehdi, ODPa Data Analyst
Subject: Summary of PAB Requests (October 2024 - April 2025)

This memorandum provides a summary of requests made by the Police Accountability Board (PAB) during eight meetings held between October 9, 2024, and May 7, 2025. Of these 32 requests, 17 have been completed, 13 remain open, and 2 were closed. The distribution of requests by stakeholder is as follows: 22 requests were directed to the Office of the Director of Police Accountability (ODPA), 11 to the Berkeley Police Department (BPD), 1 to the City Attorney’s Office, 1 to the Mayor’s Office and 1 to the City Clerk’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_i=kSEcDMNpQ0MI19I2	ODPA/ BPD	PAB requested that the ODPA issue subpoenas for records related to Policy Review PRC 2487, PRC 2488, ODPA 17, and ODPA 19 pursuant to a policy,	Completed – ODPA issued subpoenas to BPD on October 18 th , 2024. BPD responded pursuant to PAB’s subpoenas on October 31, 2024 [detailed in an email from Chief Louis to Director Aguilar.]

	<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>practices, procedures review. (2:52:36 - 3:00:16)</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. (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>	BPD	<p>The PAB requested that the BPD reissue all current Memoranda of Understanding</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</p>

	<p>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>		<p>(MOUs) related to Section K.</p>	<p>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)” 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: 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	<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: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-01-22%20PAB%20Regular%20Meeting%20Packet.pdf#page=32</p>

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	<p>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>	<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	<p>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)</p>	<p>Open - This request is still active.</p>

7	<p>1/8/2025 PAB Regular Meeting Recording: https://youtu.be/56WiTDQB_jo?si=Go90zuEmVqEhNRiH</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	<p>The PAB requested a document compiling all recommendations that have been made to the BPD. (48:02 - 49:00)</p>	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%20Regular%20Meeting%20Minutes.pdf</p>	ODPA	<p>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)</p>	<p>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:</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>

9	<p>2/1/2025 PAB Special Meeting Recording: https://youtu.be/dlXq3dnH77w?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	<p>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)</p>	Open - This request is still active.
10	<p>2/5/2025 PAB Regular Meeting Recording: https://youtu.be/ASMB3_LiNqQ?si=9U7v9LXxWnKSRn</p> <p>2/5/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-05-Regular%20Meeting%20Minutes_updated.pdf</p>	ODPA	<p>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)</p>	<p>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.</p> <p>Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-02-19%20PAB%20Regular%20Meeting%20Packet_Final.pdf#page=83</p>

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	<p>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)</p>	<p>Completed – The request was completed by ODPa as detailed in the memo 10.a. on the 4/23/2025 Agenda Packet.</p> <p>Memo Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-04-17%20PAB%20Regular%20Meeting%20Packet.pdf#Page=20</p>
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%20Regular%20Meeting%20Minutes.v2.pdf</p>	ODPA	<p>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)</p>	<p>Open – In relation to 2025-PR-0001 This request is still active because the Board requested this as part of the policy review.</p>

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.

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%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%3Aacds%3AUS%3A3a637aa7-7359-45a1-81ed-dee245c93f83&viewer%21megaVerb=group-discover</p>

18	<p>3/05/2025 PAB Regular Meeting Recording: https://youtu.be/X-c0A5Uc--0?si=MIsBZSeK eSARbQ 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	<p>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>	<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:</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>

	https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-03-19%20Regular%20Meeting%20Minutes.pdf			
20	<p>3/19/2025 PAB Regular Meeting Recording:</p> <p>https://youtu.be/0xT6Jf7nMes?si=CU_5HrZ7iKEK2K1E</p> <p>3/19/2025 PAB Regular Meeting Minutes:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-03-19%20Regular%20Meeting%20Minutes.pdf</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>
21	<p>4/9/2025 PAB Regular Meeting Recording:</p> <p>https://youtu.be/HNdbV36FvB4?si=YBOS2cmP9auaS2Rq</p> <p>4/9/2025 PAB Regular</p>	ODPA	<p>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)</p>	<p>Completed – ODPA drafted a memo with outstanding requests which will be presented by the ODPA during the 4/23 PAB meeting.</p>

	<p>Meeting Minutes:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-04-09%20Regular%20Meeting%20MinutesFinal.pdf</p>			
22	<p>4/9/2025 PAB Regular Meeting Recording:</p> <p>https://youtu.be/HNdbV36FvB4?si=YBOS2cmP9auaS2Rq</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.pdf</p>	City Attorney's Office	The PAB requested that staff consult with the City Attorney to clarify a discrepancy regarding whether the municipal code requires annual renewal of MOUs. (56:18 - 56:40)	<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>
23	4/9/2025 PAB Regular	ODPA; BPD	The PAB requested that the Chair, Police Chief, and Director of	Open- The request is still active.

	<p>Meeting Recording:</p> <p>https://youtu.be/HNdbV36FvB4?si=YBOS2cmP9auaS2Rg</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.pdf</p>		<p>Police Accountability collaborate to consolidate all Fair and Impartial Policing (FIP) data into a single document. (1:08:55 - 1:10:15)</p>	<p>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.</p> <p>Joint Letter Link:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-04-17%20PAB%20Regular%20Meeting%20Packet.pdf#page=73</p>
24	<p>4/23/2025 PAB Regular Meeting Recording:</p> <p>https://youtu.be/O6TwzGmHcb4?si=g3kcoWIKiXG2rRom</p> <p>4/23/2025 PAB Regular Meeting Draft Minutes:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Draft%20-%202025-04-23%20Regular</p>	ODPA	<p>The PAB Requested a follow-up memorandum to 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>	<p>Completed – This request is being presented to the PAB on 5/7/2025.</p>

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25	<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>	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>
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	<p>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>	<p>Completed - 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>

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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%20Meeting%20Minutes.pdf</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>
28	<p>5/07/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=pL5VhNQDU60</p> <p>5/07/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-05-07%20PAB%20Regular%20Meeting%20Packet%20-%20SUPP%201.pdf#page=3</p>	City Clerk’s Office	The PAB requests the opportunity to provide input on the records retention schedule. The ODPa is asked to contact the City Clerk’s Office to determine the status, scope, and timeline of the project, including whether any consultants or departments will be involved, in order to identify opportunities for engagement	<p>Open – The Request is still active</p> <p>Link to Memorandum Titled “Records Retention Schedule of the BPD, PAB and ODPa”: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-05-07%20PAB%20Regular%20Meeting%20Packet%20-%20SUPP%201.pdf#page=3</p>

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29	<p>5/07/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=pL5VhNQDU60</p> <p>5/07/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-05-07%20Regular%20Meeting%20Minutes.v2.pdf</p>	ODPA	<p>The PAB requests that the ODPa bring an overview of the workload of the DPA office to understand.</p> <p>(40:29-40:47)</p>	Open – This Request is still active.
30	<p>5/07/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=pL5VhNQDU60</p> <p>5/07/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-05-07%20Regular</p>	ODPA	<p>The PAB requests that the ODPa ask the BPD to respond within 30 days to the drafted memorandum, which includes ODPa’s recommended revisions to Policies 341.9 and 900.11.2, and to present BPD’s response to the PAB thereafter</p> <p>(51:18-51:58)</p>	<p>Open – This request is still active.</p> <p>The memorandum titled Follow-Up Memorandum on ODPa Presentation of Police Review Report No.19: “Detention and Release of Inebriated Individuals” can be found here:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-05-07%20PAB%20Regular%20Meeting%20Packet_Final.v3.pdf#page=18</p>

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31	<p>5/07/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=pL5VhNQDU60</p> <p>5/07/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-05-07%20Regular%20Meeting%20Minutes.v2.pdf</p>	ODPA	<p>The PAB requests that the ODPAs provide notice to the City Manager—by serving the City Clerk pursuant to Municipal Code Section 2.100.060—regarding the 2024 BPD Controlled Equipment Report, specifying identified violations and recommending that the Council not accept the report.</p> <p>(1:11:50-1:14:39)</p>	<p>Completed – The letter was sent to the City Manager per BMC 2.100.060.</p> <p>BMC 2.100.060: https://berkeley.municipal.codes/BMC/2.100.060</p>
32	<p>5/07/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=pL5VhNQDU60</p> <p>5/07/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-05-07%20Regular</p>	ODPA	<p>The PAB requests that language be adjusted to reflect the unrealistic nature of relying on pending agreements to ensure accountability, rather than conveying unwarranted optimism. Additionally, the letter should note that no Memoranda of Understanding (MOUs) related to BPD policies have been ratified by the City Council since 2018. Please include these points in the draft letter to Council.</p>	<p>Completed – The letter was sent out to Council.</p> <p>Link to Draft Letter (Urgent Request to Rescind Mutual Aid Agreement 3.1 with U.S. Citizenship and Immigration Services (UCSIS):</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-05-07_PAB_Regular_Meeting_Packet_-_SUPP_1.pdf_-_page=15</p> <p>Link for Letter to Council and BPD: https://berkeleyca.gov/sites/default/files/documents/2025-05-09_PAB_Letter_to_Council_and_BPD_re_USCIS_Agreement_wAttachments.pdf</p>

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