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**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
SUPPLEMENTAL PACKET
June 11, 2025
6:30 PM**

Board Members

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

MEETING LOCATION

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

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Item 7

Chair's Report – June 11, 2025 Police Accountability Board Meeting



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

June 10, 2025

VIA ELECTRONIC MAIL [Email]

Honorable Members of the Police Accountability Board
dpa@berkeleyca.gov
 1900 Addison Street, 3rd Floor
 Berkeley, CA 94704

Re: Chair's Report – June 11, 2025 Police Accountability Board Meeting

Dear Fellow Board Members,

I write to provide you with an update on three matters that have developed since our last full meeting on May 21, 2025. Unfortunately, I will not be able to attend tomorrow's meeting due to an unavoidable conflict. Councilmember Lunaparra's office has graciously granted me a leave of absence. Before proceeding to the updates, I wanted to express my warm welcome to new Board Member Buswell-Charkow. We are glad to have you!

1. Proposed Rescission of the Police Equipment and Community Safety Ordinance

Since our last full meeting, Councilmembers Humbert and O'Keefe submitted an item to the Rules and Agenda Committee that would rescind the Police Equipment and Community Safety Ordinance. At my request and with Chief Louis' consent, the Rules and Agenda Committee sent the item to the Public Safety Policy Committee, which will hear it in July 2025. Between now and then, the Board may consider whether to formally agree or disagree with the proposal, submit an alternative proposal, and/or provide additional analysis to the Committee and the Council to inform their decision-making.

As the supplemental letter accompanying the item explains, the Ordinance passed just months prior to AB 481, a state law that requires a regular report on the use of military equipment. I support the effort to eliminate any duplicative reporting and decrease any unnecessary administrative burden on BPD. However, Berkeley's Ordinance does, in fact, impose substantive and procedural

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requirements that go beyond state law.¹ For example, under Berkeley’s Ordinance, BPD is required to report on deployments, not just uses, of controlled equipment. BPD is also required to submit its report to the PAB, which reviews BPD’s use and deployment of controlled equipment to ensure it complies with state law.²

I cannot speak of all the substantive and procedural differences between the Ordinance and the state law, which is why I asked the Director and ODP staff to prepare a preliminary analysis. The Board may consider whether it requires additional analysis before making a recommendation at the PAB meeting. Former Councilmember Kate Harrison who championed the Ordinance has offered to provide additional background to the Board at a future meeting.

2. Encampment Sweep on Eighth and Harrison

On Wednesday, June 4 at around 6 or 7 a.m., city workers and BPD officers attempted to remove unhoused people and their belongings “without notice or warning[] and just six days before the scheduled hearing on [a] preliminary injunction motion,” according to a federal judge.³ Judge Chen halted the sweep Wednesday afternoon, saying that the sweep “violated due process.”⁴ I received many reports and videos from different community members, which described or showed BPD officers deploying less-lethal weapons in an attempt to remove people from their tents.⁵ I am concerned by the use of force and the lack of due process given to Berkeley community members. I have asked Chief Louis to brief the Board on BPD’s involvement in the abatement and the use of force. I urge BPD to practice de-escalation tactics, especially here.

Discussion and action on the sweep is not on the agenda for the June 11th meeting. The hearing regarding the preliminary injunction is scheduled for today, June 10th. I have asked the Director to apprise the Board of any developments.

3. Potential Protests Regarding Escalated ICE Enforcement Action

Many of you are likely aware of the ongoing clashes between protestors, local law enforcement, and even the National Guard and military in Los Angeles regarding ICE’s enforcement actions. Those protests are spreading to the San Francisco Bay Area. I would like Board Members and

¹ AB 481 (1) requires local municipalities to adopt a military use policy by ordinance and (2) recognizes that local municipalities can implement additional requirements and standards. AB 481, Ch. 12.8, Section 7071(d)(1); Section 7075.

² I note that the standards set forth in BMC 2.100.040(C)(1)—standards that the Ordinance directs the PAB to apply—are very similar to the standards set forth in Section 7071(d)(1).

³ *Berkeley Homeless Union v. City of Berkeley*, No. 25-cv-01414-EMC (N.D. Cal. docketed Mar. 2025), ECF No. 89 (Explanatory Order on Order Ceasing Abatement).

⁴ *Id.*

⁵ I would like to flag for board members that, under BPD’s new proposal to eliminate the Level 1 use-of-force reporting requirements, the deployment of less-lethal in this instance would not be included in BPD’s annual report.

BPD to be cognizant of these protests, especially since they raise the issues that the Board flagged in its May 9th, 2025 letter.⁶ In response to the PAB's letter, BPD reaffirmed its commitment to Berkeley's Sanctuary City values. Any police response to protests of ICE enforcement actions in Berkeley should put those values into practice. I plan to meet with Chief Louis and Deputy Chief Tate to discuss the specifics of how BPD's crowd control policies—which usually require coordinating with other law enforcement on scene—would apply in contexts where federal immigration authorities are present.

Sincerely,

Joshua Cayetano

Joshua Cayetano, Chair

Police Accountability Board

⁶ PAB's May 9, 2025 Urgent Request to Rescind Mutual Aid Agreement 3.1 with U.S. Citizenship and Immigration Services (USCIS):

https://berkeleyca.gov/sites/default/files/documents/2025-05-09%20PAB%20Letter%20to%20Council%20and%20BPD%20re%20USCIS%20Agreement_wAttachments.pdf