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
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 2

June 25, 2025 PAB Regular Meeting Agenda

POLICE ACCOUNTABILITY BOARD

REGULAR MEETING AGENDA

WEDNESDAY, JUNE 25, 2025

6:30 P.M.

Board Members

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

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 June 11, 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 50 MINUTES**)**

a. Discussion and action on new Policy Complaint 2025-PR-0003 in accordance with Section G. "Policy Complaints and Reviews" of the PAB's Standing Rules (ODPA) – (15 Minutes)

   i. Preliminary Review Report

   ii. Complainant's Statement

   iii. Public Comment

   iv. BPD Statement

b. Discussion and action on new Policy Complaint 2025-PR-0004 in accordance with Section G. "Policy Complaints and Reviews" of the PAB's Standing Rules (ODPA) – (25 Minutes)

   i. Preliminary Review Report

   ii. Complainant's Statement

   iii. Public Comment

   iv. BPD Statement

   v. Review of Select Footage

c. Discussion and action on new Policy Complaint 2025-PR-0005 in accordance with Section G. "Policy Complaints and Reviews" of the PAB's Standing Rules (ODPA) – (25 Minutes)

   i. Preliminary Review Report

   ii. Complainant's Statement

   iii. Public Comment

   iv. BPD Statement

   v. Review of Select Footage

d. Discussion and action on the proposed rescission of the Police Equipment and Community Safety Ordinance (Continued) (ODPA) – (15 Minutes)

e. Discussion and possible action regarding BPD's Surveillance Acquisition Report and proposed Use Policies for External Fixed Surveillance Cameras – Flock Safety Condor Video Cameras (ODPA) – (15 Minutes)

f. Discussion and action on BPD's Surveillance Acquisition Report and the proposed Use Policies for the replacement of the Jail's Cameras and Control Panel. (ODPA) – (15 Minutes)

10. PUBLIC COMMENT (TBD)

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

11. CLOSED SESSION

CLOSED SESSION ITEMS

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

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

i. 2023-CI-0016
ii. 2024-CI-0003
iii. 2024-CI-0004
iv. 2024-CI-0009
v. 2024-CI-0025
vi. 2025-CI-0002
vii. 2025-CI-0003
viii. 2025-CI-0006
ix. 2025-CI-0007
x. 2025-CI-0008
xi. 2025-CI-0009
xii. 2025-CI-0010
xiii. 2025-CI-0013
xiv. 2025-CI-0014
xv. 2025-CI-0015
xvi. 2025-CI-0016
xvii. 2025-CI-0017
xviii. 2025-CI-0019
xix. 2025-CI-0020

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 June 11, 2025

POLICE ACCOUNTABILITY BOARD

REGULAR MEETING MINUTES

WEDNESDAY, JUNE 11, 2025

6:30 P.M.

Board Members

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

MEETING LOCATION

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

Minutes

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

Present:[1]	Board Member Leah Wilson (Vice Chair)
	Board Member Kitty Calavita
	Board Member Juliet Leftwich
	Board Member Randy Wells
	Board Member Buswell-Charkow
Absent:	Board Member David Williams[2]
	Board Member Macharia Edmonds[3]
	Board Member Joshua Cayetano (Chair)[4]
ODPA Staff:	Hansel Aguilar, Director of Police Accountability

[1] Vacant seats and commissioners on an approved Leave of Absence (LOA) are excluded from the total seat count to determine the number of actual appointees. The PAB currently has eight (8) actual appointees. With three (3) members on LOA, the quorum is based on the remaining five (5) members. When five members are present, a minimum of three (3) votes is required to act. See Chapter V.A.3 of the City of Berkeley Commissioner's Manual: https://berkeleyca.gov/sites/default/files/documents/Commissioners%27%20%26%20Board%20Members%27%20Manual%202025%20Edition.pdf

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

[3] Board Member Edmonds was granted a leave of absence.

[4] Chair Cayetano was granted a leave of absence.

Syed Mehdi, Data Analyst
Jose Murillo, Policy Analyst
Daniel Weinberg, Investigative Clerk

BPD Staff: Chief Louis
Lieutenant Bonaventure

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

a. District 1 – Joshua Buswell-Charkow (nominated by Councilmember Kesarwani)

Director Aguilar administers the Oath of Office and Confidentiality to Board Member Buswell-Charkow. Board Member Buswell-Charkow introduces himself to the PAB.

3. APPROVAL OF AGENDA

Motion to approve the agenda as amended by moving Item 10.e. "Discussion and action on the proposed rescission of the Police Equipment and Community Safety Ordinance" to the first discussion item and allowing Former Councilmember Harrison to present.
Moved/Second (Calavita/Leftwich) Motion carried.
Ayes: Buswell-Charkow, Calavita, Leftwich, Wells, and Wilson
Noes: None. Abstain: None. Absent: Williams, Cayetano and Edmonds.

Motion to take public comment on Item 10.e. "Discussion and action on the proposed rescission of the Police Equipment and Community Safety Ordinance" before PAB discussion of the item.
Moved/Second (Calavita/ Buswell-Charkow) Motion carried.
Ayes: Buswell-Charkow, Calavita, and Leftwich
Noes: Wells and Wilson. Abstain: None. Absent: Williams, Cayetano and Edmonds

4. PUBLIC COMMENT

18 Physically Present Speakers
6 Virtually Present Speakers

5. APPROVAL OF MINUTES (5 MINUTES)

a. Minutes for the Regular Meeting of May 21, 2025

Motion to approve the Minutes for the Regular Meeting of May 21, 2025.
Moved/Second (Leftwich/Calavita) Motion carried.
Ayes: Buswell-Charkow, Calavita, Leftwich, Wells, and Wilson
Noes: None. Abstain: None. Absent: Williams, Cayetano and Edmonds.

6. ODPA STAFF REPORT (10 MINUTES)

Director Aguilar reported that the ODPA recently received a policy complaint related to the closure of a homeless encampment on Harrison Street. This matter will be presented to the

DRAFT

PAB at the June 25 meeting for consideration of next steps. Director Aguilar also noted that the ODPA is open to following up with community members and had circulated a sign-in sheet to facilitate ongoing communication.

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

The Vice Chair emphasized the PAB's commitment to engaging with the community on matters such as the closure of the homeless encampment and noted the opportunity for the Board to exercise its charter authority to help shape more effective policies. She also clarified that while the PAB has the authority to initiate policy complaints, it relies on community members to file personnel complaints, as that authority does not extend to the Board.

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

Chief Louis provided an update on notable crimes and cases, with particular attention to the recent closure of the homeless encampment at 8th and Harrison. She also expressed a willingness to share data related to the Controlled Equipment Ordinance but noted that overlapping reporting requirements under the ordinance and state law have created redundancies that are slowing the process.

9. SUBCOMMITTEE REPORTS (10 MINUTES)

The PAB's subcommittees reported on their activities since the last PAB meeting on May 21, 2025.

10. DISCUSSION AND ACTION ITEMS (1 HOUR 15 MINUTES**)**

a. Discussion – Overview of ODPA Duties, Responsibilities, Workplan, and Current Projects (ODPA) – (15 Minutes)

No formal action was taken by the PAB. Director Aguilar provided an overview of the ODPA's current projects and priorities. Board Members asked about how the ODPA determines its priorities and engaged in discussion regarding the department's staffing capacity.

b. Discussion and action on the ODPA-PAB budget (ODPA) – (15 Minutes)
   i. Review of the Current Budget & Future Budgetary Needs
   ii. Potential Impacts of a Hiring Freeze

No formal action was taken by the PAB. Director Aguilar provided information on the potential impacts of budget limitations on the ODPA's operations.

c. Discussion and action concerning the proposed timeline for the presentation of the ODPA-PAB Annual Report (ODPA) – (15 Minutes)

Director Aguilar noted that the ODPA received clear and constructive feedback on the draft ODPA-PAB Annual Report and confirmed that it remains on track to be submitted to the City Clerk ahead of the July 22 City Council meeting.

Motion to accept the proposed timeline for the presentation of the ODPA-PAB Annual Report.
Moved/Second (Leftwich/Calavita) Motion carried.
Ayes: Buswell-Charkow, Calavita, Leftwich, Wells, and Wilson
Noes: None. Abstain: None. Absent: Williams, Cayetano and Edmonds.

d. Discussion and action regarding the BPD's Mutual Aid Agreements with other law enforcement agencies[5] (continued discussion) (ODPA) – (15 Minutes)

Board Members provided feedback on the draft letter concerning BPD's Mutual Aid Agreements.

Motion to approve the drafted letter with an amendment noting noncompliance since 2018 with the mandate requiring an annual review of all mutual aid agreements between BPD and other law enforcement agencies.
Moved/Second (Leftwich/Wells) Motion carried.
Ayes: Calavita, Leftwich, Wells, and Wilson
Noes: None. Abstain: Buswell-Charkow. Absent: Williams, Cayetano and Edmonds.

e. Discussion and action on the proposed rescission of the Police Equipment and Community Safety Ordinance (ODPA) – (15 Minutes)

The PAB took public comment on the item prior to discussion. Speakers participated both in person and remotely.

8 Physically Present Speakers
3 Virtually Present Speakers

Former Councilmember Harrison addresses the PAB to explain the differences between the Police Equipment and Community Safety Ordinance (BMC 2.100) and the state's Military Equipment Report (AB 481).

Motion to request that the Director, with support from the Chair and Vice Chair, collaborate with the Berkeley Police Department to develop a joint recommendation for presentation to the Public Safety Policy Committee. The recommendation will seek to reduce or eliminate duplicative reporting requirements already covered by state law while preserving the unique and important elements of the ordinance that require local review. The Director, Chair, and Vice Chair will present the recommendation to

---

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

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%894PqxrRi8uAfvgugw1ugL7qIMK7bKOtOdoPfZOOj1Ie1HGl0M26eU5oLwKKJYvCUTOu18ymn60ZTrc8%3D/

the full Board for a vote prior to the Public Safety Policy Committee's July meeting.
Moved/Second (Wilson/Leftwich) Motion carried.
Ayes: Calavita, Leftwich, Wells, and Wilson
Noes: None. Abstain: Buswell-Charkow. Absent: Williams, Cayetano and Edmonds.

11. PUBLIC COMMENT

7 Physically Present Speakers
3 Virtually Present Speakers

12. CLOSED SESSION

CLOSED SESSION ITEMS

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

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

Motion to accept the ODPA's findings in Case Number 2025-CI-0004 with modification to the recommendation.
Moved/Second (Calavita/Leftwich) Motion carried.
Ayes: Buswell-Charkow, Calavita, Leftwich, Wells, and Wilson
Noes: None. Abstain: None. Absent: Williams, Cayetano and Edmonds.

END OF CLOSED SESSION

13. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

Policy Analyst Jose Murillo announces closed session actions.[6]

14. ADJOURNMENT

Motion to adjourn. Moved/Second (Wilson/Calavita). The meeting was adjourned at 10:03 PM by unanimous consent.

[6] During the closed session announcements, it was stated that the PAB acted on ODPA Case Number 2025-CI-0014. However, the action actually pertained to ODPA Complaint Number 2025-CI-0004.

DRAFT

Item 8

PAB Subcommittee List

Updated on 6/19/2025

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

Updated on 6/19/2025

Arrest Quota Prohibition Formed 5-21-2025	Edmonds Wells	TBD	TBD

LIAISON LIST[2]

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 MEMBERS[3]

Policy Review Number	Assigned Board Member
2023-PR-0006	**Unassigned[4]**
2024-PR-0003	**Unassigned[5]**
2025-PR-0001	**Calavita**

[1] Board Member Moore was previously assigned but is no longer on the Board
[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.a.

ODPA Preliminary Report for Policy Complaint 2025-PR-0003

MEMORANDUM

Date:	June 19, 2025
To:	Honorable Members of the Police Accountability Board (PAB)
From:	Hansel A. Aguilar, Director of Police Accountability (DPA)
	Jose D. Murillo, Policy Analyst
Subject:	Notice of Policy Complaint No. 2025-PR-0003

The purpose of this memorandum is to introduce Policy Complaint Number 2025-PR-0003 to the Police Accountability Board (PAB) as required by Section G of the PAB's Standing Rules.[1]

Background:

On June 9, 2025, the Office of the Director of Police Accountability (ODPA) received Policy Complaint No. 2025-PR-0003 from a member of the public (hereinafter referred to as the "Complainant"). See Attachment 1: Policy Complaint Form 2025-PR-0004. On June 18, 2025, Policy Analyst Murillo spoke with the Complainant, who confirmed her interest in pursuing a policy review in the hope of preventing others from going through a similar experience.

The Complainant raised concerns about the police response and reporting related to a traffic incident that occurred on September 27, 2024, in which she was struck by a vehicle and sustained multiple injuries, including a concussion and broken bones in her right foot. A review of BPD's collision data for that date confirms that an injury collision occurred at approximately 11:04 AM. The injury was classified as minor, and the primary collision factor was identified as a violation of Vehicle Code 21950(a) — failure to yield to a pedestrian in a crosswalk.[2]

[1] Section G. "Policy Complaints and Reviews" of the PAB's Standing Rules: https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf
[2] Berkeley Police Department Collision Dashboard: https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/01356cd9e87b410e9526dc624a608760

The complainant stated that the driver who struck her was not asked to exit the vehicle, was not tested for alcohol or drug use, was driving a vehicle not registered to him, had an expired license, and was ultimately allowed to leave the scene. She further claimed that, although several witnesses spoke with officers at the time, the police report inaccurately stated that no witnesses came forward and failed to include key details about the incident. According to the *California Commission on Peace Officer Standards and Training Basic Course Workbook Series, Student Materials, Learning Domain 29: Traffic Collision Investigation (Version 3.1)*,[3] collision reports should include identifying and descriptive information for all injured individuals, witnesses (those not involved and not injured), and passengers (those involved but not injured). The guide also emphasizes the importance of documenting the extent of injuries, including fatal injuries, severe injuries such as broken or dislocated limbs, severe lacerations, or unconsciousness, other visible injuries like bruises or abrasions, and complaints of pain, which may involve internal or non-visible injuries or symptoms such as appearing dazed, confused, or incoherent. At the time of writing, ODPA staff was not able to confirm the ommitance of this information in the BPD's incident report.

In response to the question, "What changes to BPD policy, practice, or procedure do you propose?" the Complainant recommended that drivers involved in collisions that result in pedestrian injuries be investigated at the scene. She also reported that she submitted a letter outlining her concerns to the Chief of Police but did not receive a response. Within this letter, the Complainant states that she voiced her concerns about the reporting of the incident and the overall response to the call for service.

Potential Area(s) of Review:

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

If the PAB proceeds with this review, it may consider focusing and providing recommendations on the following policies, if warranted:

- **BPD Policy 501 "Motor Vehicle Collision Investigations"**
    - Purpose of Policy: This policy establishes procedures and guidelines for investigating traffic collisions and traffic-related incidents, as well as for preparing and managing the associated reports.

[3] California Commission on Peace Officer Standards and Training. (2009). Learning Domain 29: Traffic Collision Investigation (Version 3.1).
https://post.ca.gov/portals/0/post_docs/basic_course_resources/workbooks/LD_29_V-3.1.pdf
[4] Berkeley City Charter Section 125(17)(a): https://berkeley.municipal.codes/Charter/125(17)(a)

- Reason: This policy provides guidelines to officers that outline what steps need to be taken when investigation collisions that result in injury and noninjury.

- **BPD Policy 323 "Report Preparation"**
  - Purpose of Policy: This policy recognizes that report preparation is a fundamental responsibility of every officer. Reports must document sufficient detail to refresh the officer's memory, support follow-up investigations, and contribute to successful prosecution.
  - Reason: This policy provides guidelines to officers on the requirements for proper reporting, including non-criminal activity that includes traffic collisions.

Courses of Action:

Upon receiving a policy complaint, the Board can choose from several potential courses of action[5], which include:

1. Accepting the policy complaint and assigning a Board member to investigate.
2. Accepting the policy complaint and directing ODPA staff to carry out an investigation.
3. Accepting the policy complaint and establishing a subcommittee to investigate the matter.
4. Temporarily deferring acceptance of the policy complaint and assigning a Board member to investigate it before formal acceptance.
5. Temporarily deferring acceptance of the policy complaint and instructing ODPA staff to investigate the matter.
6. Rejecting the policy complaint.

Recommendation:

The should temporarily defer acceptance of the policy complaint and instruct ODPA staff to investigate the matter.

Attachments:

1. Policy Complaint 2025-PR-0003

[5] Section G(3)(a) "Policy Complaints and Reviews" of the PAB's Standing Rules: https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf

ATTACHMENT 1

Policy/Practice/Procedure Form

Tracking Number **ODPA-250609-275857**

Created by [redacted] | June 09, 2025 | Original version

Personal Information

Basic Information

Email	[redacted]
First Name	[redacted]
Last Name	[redacted]
Phone	[redacted]
File Anonymously	Not Specified
Work Telephone	Not Specified

Mailing Address

Street name	[redacted]
Apt/Unit	[redacted]
State	California
City	Berkeley
Zip Code	[redacted]

Occupation	Retired nurse practitioner

Demographics

Please provide as many details about the incident as possible. Your recollection about the incident is invaluable.

Date of Birth	[redacted]
Race/Ethnicity	Not Specified
Ethnicity	["Not Hispanic or Latinx"]
Gender	Not Specified
Race	["White"]
Sexual Orientation	Not Specified

Gender	Female

Incident Details

Statement

Police did not have driver who hit pedestrian and injured her; driver not asked to exit his car be alcohol or drug tested, was driving a car not his own and he had expired license was let go. Police report says no witnesses though multiple people came forth and spoke to police.

Location of Incident (if applicable)	Crosswalk Russell and College 4 way stop
Date of Incident (if applicable)	September 27, 2024
Time of Incident (if applicable)	Not Specified
What changes to BPD policy, practice, or procedure do you propose?	Drivers who hit or injure pedestrians be investigated at scene.

Additional Information

Use this space for any additional information you wish to provide about your complaint. (Or, attach relevant documentation you believe will be useful to the Police Accountability Board in evaluating your complaint.)	I sent in a letter to police chief and never received a response
Upload Document	Not Specified

Incident External Links

Not Specified

How Did You Hear About Us

WEBSITE

Item 9.b.

ODPA Preliminary Report for Policy Complaint 2025-PR-0004

MEMORANDUM

Date:	June 19, 2025
To:	Honorable Members of the Police Accountability Board (PAB)
From:	Hansel A. Aguilar, Director of Police Accountability (DPA)
	Jose D. Murillo, Policy Analyst
Subject:	Notice of Policy Complaint No. 2025-PR-0004

The purpose of this memorandum is to introduce Policy Complaint Number 2025-PR-0004 to the Police Accountability Board (PAB) as required by Section G of the PAB's Standing Rules.[1]

Background:

On June 10, 2025, the Office of the Director of Police Accountability (ODPA) received Policy Complaint No. 2025-PR-0004 from a member of the public (hereinafter referred to as the "Complainant"). See Attachment 1, Policy Complaint Form 2025-PR-0004, which includes a link to a video recording of the incident.

The Complainant expressed concerns with the Berkeley Police Department's General Order D-2, "Public Recording of Police Activity," (now BPD Policy 426) following an incident on June 6, 2025, in which they allege they were physically prevented by three officers from observing and documenting police activity at 8th and Harrison Street. The Complainant argues that the policy fails to clearly affirm the First Amendment rights of onlookers and does not adequately direct officers to limit the use of "police lines" to situations where such restrictions are necessary for officer safety or to protect the integrity of an investigation.

The complainant makes reference to two landmark cases to highlight that "copwatching" — the act of observing and recording police officers — is a protected activity under the First Amendment. In *Glik v. Cunniffe*,[2] the court affirmed an individual's

[1] Section G. "Policy Complaints and Reviews" of the PAB's Standing Rules: https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf
[2] Glik v. Cunniffe, 655 F.3d 78 (1st Cir. 2011).

right to record public officials performing their duties in public spaces, ruling that such recordings are protected speech. Similarly, in *ACLU v. Alvarez*,[3] the court found that laws criminalizing the recording of police officers without their consent likely violate the First Amendment, reinforcing the public's right to document police activity.

The complainant requests that BPD's policy on public recording of police activity be revised to direct officers to impose the least possible restrictions on the public's ability to observe and record. Specifically, they want officers to be trained to minimize the use of yellow tape or police lines unless absolutely necessary.

Potential Area(s) of Review:

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

If the PAB proceeds with this review, it may consider narrowing its focus and providing recommendations on the following policies, if warranted:

- **BPD Policy 426 "Public Recording of Police Activity"[5]**
  - Purpose of Policy: BPD Policy 426 outlines guidelines for situations in which members of the public photograph or audio/video record law enforcement activity or other public events involving department personnel. The policy also provides direction for handling instances where such recordings may serve as evidence.
  - Reason: BPD Policy 426.3 speaks to the circumstances under which members of the public may observe and record law enforcement activity. The section affirms the public's right to record from lawful locations but outlines limitations when such actions interfere with police duties or create safety concerns.

Courses of Action:

Upon receiving a policy complaint, the Board can choose from several potential courses of action[6], which include:

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[3] ACLU of Ill. v. Alvarez, 679 F.3d 583 (7th Cir. 2012).
[4] Berkeley City Charter Section 125(17)(a): https://berkeley.municipal.codes/Charter/125(17)(a)
[5] BPD Policy 426 "Public Recording of Police Activity": https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=445
[6] Section G(3)(a) "Policy Complaints and Reviews" of the PAB's Standing Rules: https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf

1. Accepting the policy complaint and assigning a Board member to investigate.
2. Accepting the policy complaint and directing ODPA staff to carry out an investigation.
3. Accepting the policy complaint and establishing a subcommittee to investigate the matter.
4. Temporarily deferring acceptance of the policy complaint and assigning a Board member to investigate it before formal acceptance.
5. Temporarily deferring acceptance of the policy complaint and instructing ODPA staff to investigate the matter.
6. Rejecting the policy complaint.

Recommendation:

The PAB should accept the policy review request but defer making any final policy recommendations at this time, as the issues raised are directly related to an ongoing personnel matter.

Attachments:

1. Policy Complaint 2025-PR-0004

ATTACHMENT 1

Policy/Practice/Procedure Form

Tracking Number **ODPA-250610-380084**

Created by [redacted] | June 10, 2025 | Original version

Personal Information

Basic Information

Email	[redacted]
First Name	[redacted]
Last Name	[redacted]
Phone	[redacted]
File Anonymously	Not Specified
Work Telephone	Not Specified

Mailing Address

Street name	[redacted]
Apt/Unit	[redacted]
State	California
City	Berkeley
Zip Code	[redacted]

Occupation	teacher

Demographics

Please provide as many details about the incident as possible. Your recollection about the incident is invaluable.

Date of Birth	[redacted]
Race/Ethnicity	Not Specified
Ethnicity	["Not Hispanic or Latinx"]
Gender	Not Specified
Race	["White"]
Sexual Orientation	Not Specified

Gender	F

Incident Details

Statement

On June 4th, 2025 I was prevented from observing and documenting police actiivity at 8th and Harrison Street in Berkeley. [redacted] I have a deep concern about the current policy/General Order Policy 426 entitled "Public Recording of Police Activity". Two Federal courts have held that copwatching is protected activity under the 1st Amendment based on our need to "petition the government for a redress of grievances". Glik vs Cuniffe: (https://www.aclum.org/en/cases/glik-v-cunniffe) and ACLU v Alvarez (https://law.justia.com/cases/federal/appellate-courts/ca7/11-1286/11-1286-2012-05-08.html).

Therefore- the protections of the 1st amendment supercede any policy created by BPD.However, the current policy fails to specifically identify the rights of onlookers and to direct officers to minimize the imposition of "police lines" to only those instances and areas that directly impact investigations of could reasonably impact officer safety.

Location of Incident (if applicable)	8th and Harrison
Date of Incident (if applicable)	Not Specified
Time of Incident (if applicable)	07:30 AM
What changes to BPD policy, practice, or procedure do you propose?	I want the current policy "Public recording of Police Activity" to include directives requiring officers to place the least possible restriction on citizen observation of police activity. I want officers to be trained to minimize the use of "yellow tape"/police lines so as to place the least restriction on citizens' ability to observe and record police activity.

Additional Information

Use this space for any additional information you wish to provide about your complaint. (Or, attach relevant documentation you believe will be useful to the Police Accountability Board in evaluating your complaint.)	The video I provide today is merely one incident. There are many. At this same location, others were also manhandled and threatened with arrest merely for APPROACHING the police line. It has become a disturbing trend that BPD officers seem to disregard the rights of the public to observe and it is becoming more routine for officers to feel entitled to bully the public when they try to exercise their right. If you want me to produce other incidents that help to make the point, I can.
Upload Document	1 file(s) uploaded

Incide

Link 1	https://drive.google.com/file/d/1mHgaKbuy5Dz1ddH8BW103EEV0FFEAHh/view?usp=sharing

How Did You Hear About Us

Not Specified

Item 9.c.

ODPA Preliminary Report for Policy Complaint 2025-PR-0005

MEMORANDUM

Date:	June 19, 2025
To:	Honorable Members of the Police Accountability Board (PAB)
From:	Hansel A. Aguilar, Director of Police Accountability (DPA)
	Jose D. Murillo, Policy Analyst
Subject:	Notice of Policy Complaint No. 2025-PR-0005

The purpose of this memorandum is to introduce Policy Complaint Number 2025-PR-0005 to the Police Accountability Board (PAB) as required by Section G of the PAB's Standing Rules.[1]

Background:

On June 10, 2025, the Office of the Director of Police Accountability (ODPA) received Policy Complaint No. 2025-PR-0005 from a member of the public (hereinafter referred to as the "Complainant"). See Attachment 1, Policy Complaint Form 2025-PR-0005.

The Complainant expressed concerns with the Berkeley Police Department's involvement in the development and execution of operational plans that, according to their allegations, may direct or require officers to engage in actions that violate department policy or the law. These concerns were raised in relation to a multi-agency operation conducted on June 6, 2025, at an encampment located at 8th and Harrison Streets in Berkeley.

The Complainant alleged that the operation included the use of excessive force, unnecessary deployment of less-lethal weapons, and efforts to suppress the public's right to observe. They also cited a lack of notice provided to encampment residents, which they claim constituted a violation of those individuals' due process rights.

[1] Section G. "Policy Complaints and Reviews" of the PAB's Standing Rules: https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf

According to the Complainant, if officers were acting under orders, accountability should rest not only with individual officers but also with the upper-level personnel responsible for creating and authorizing the operational plan. They urged the PAB to adopt a policy that holds command staff accountable for the directives contained in such plans and proposed the creation of a new category of misconduct for command-level staff who knowingly place officers in situations that may lead to violations of policy or law.

As examples, the Complainant pointed to instances where officers allegedly instructed residents to vacate the area within 20 minutes, established overly broad perimeters to deter civilian observation, and were encouraged to use less-lethal munitions rather than de-escalation tactics. To support further review, the Complainant requested that the PAB obtain and assess documents related to the operation, including the operational plan, after-action report, and any relevant communications from the City Manager.

Potential Area(s) of Review:

Under Berkeley City Charter Section 125(17)(a), the Police Accountability Board (PAB) has the authority to "review policies, practices, and procedures of the Police Department at its discretion, at the request of a member of the public, in response to a policy complaint, or following a public complaint against an officer."[2]

If the PAB proceeds with this review, it may consider providing recommendations on the following policies, practices, or procedures, if warranted:

- BPD Policy 1100 “PC 647(e) Enforcement and 9th Circuit Decision: Special Order 2018-0001”
    - Purpose of Policy: The purpose of this policy is to ensure the Berkeley Police Department complies with the *Martin v. City of Boise* decision by restricting enforcement of PC § 647(e) unless authorized by the Chief of Police. It provides interim guidance to clarify enforcement limitations while allowing continued discretion in applying other applicable laws.
    - Reason: BPD Policy 1100 was originally issued as Special Order 2018-0001 and has not been revised since its initial release or its transition to the Lexipol format. The BPD Policy Manual does not include any further guidance on this issue.

- Policies, practices, and procedures related to how operational perimeters are determined, the deployment of less-lethal munitions during encampment operations, and the consideration of alternative de-escalation methods.

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

Courses of Action:

Upon receiving a policy complaint, the Board can choose from several potential courses of action[3], which include:

1. Accepting the policy complaint and assigning a Board member to investigate.
2. Accepting the policy complaint and directing ODPA staff to carry out an investigation.
3. Accepting the policy complaint and establishing a subcommittee to investigate the matter.
4. Temporarily deferring acceptance of the policy complaint and assigning a Board member to investigate it before formal acceptance.
5. Temporarily deferring acceptance of the policy complaint and instructing ODPA staff to investigate the matter.
6. Rejecting the policy complaint.

Recommendation:

The PAB should accept the policy complaint and authorize ODPA staff to conduct a preliminary investigation into the incident. Upon completion of the investigation, ODPA will submit a report to the PAB for review, discussion, and consideration of potential policy recommendations to the City Council, City Manager, and Berkeley Police Department.

Attachments:

1. Policy Complaint 2025-PR-0005
2. Preliminary Policy Review Plan – ODPA Review No. 2025-PR-0005 (Proposed)

[3] Section G(3)(a) "Policy Complaints and Reviews" of the PAB's Standing Rules: https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf

ATTACHMENT 1

Policy/Practice/Procedure Form

Tracking Number **ODPA-250610-306154**

Created by [redacted] | June 10, 2025 | Original version

Personal Information

Basic Information

Email	[redacted]
First Name	[redacted]
Last Name	[redacted]
Phone	[redacted]
File Anonymously	Not Specified
Work Telephone	Not Specified

Mailing Address

Street name	[redacted]
Apt/Unit	[redacted]
State	California
City	Berkeley
Zip Code	[redacted]

Occupation	teacher

Demographics

Please provide as many details about the incident as possible. Your recollection about the incident is invaluable.

Date of Birth	[redacted]
Race/Ethnicity	Not Specified
Ethnicity	["Not Hispanic or Latinx"]
Gender	Not Specified
Race	["White"]
Sexual Orientation	Not Specified

Gender	F

Incident Details

Statement

Policy Complaint From [redacted]
Regarding Events on June 4, 2023 at 7am at 8th and Harrison

Policy Issues:

Who is accountable for creating an operational plan that directly or indirectly requires or directs officers to commit violations of policy or the law?

Background:
On June 4th, 2025, the City of Berkeley directed various agencies to participate in a sweep of an encampment of unhoused people residing at 8th and Harrison Streets in Berkeley. According to a declaration by BPD [redacted] filed on 6/9/25, "The operation involved multiple City departments, including:Neighborhood Services; Animal Control; BPD; Public Works; Health, Housing & Community, Services Mobile Crisis Team; and Berkeley Fire Department."

Allegations of excessive force, unnecessary use of less lethal weapons, smoke or smoke devices, intentional abridgement of right to observe have been made by witnesses to the events of that day. In addition, the lack of notice to the residents of that area was recently found to constitute a violation of the due process rights of those people.

Members of Berkeley Copwatch, Where Do We Go Berkeley, Berkeley Homeless Union and others want to ensure that these kinds of violations do not occur again. However, it does not make sense to file misconduct complaints against individual officers if they were simply following their orders. Similarly, there are limits to how to file a policy complaint in this situation. Therefore, our request is that the PAB create a policy that holds upper management involved in the creation of Operational Plans accountable for the instructions that are given to officers and the overall architecture of the plan itself.

Further, we would like to create a category of misconduct that pertains to command staff who knowingly or intentionally put officers into situations in which they are required to violate policies or laws. Examples:

Directing officers to give unhoused residents 20 minutes to leave. Some people were told by BPD that they had 20 minutes to get their belongings and leave the area. The reason for this was to get people moving. Past experience has shown that if BPD or other City staff ask people to leave without giving a clear time limit, then it takes a lot of time for people to sift through items and actually move." ([redacted] Declaration 6/9/25)

Creating a prohibitively wide perimeter to discourage citizen monitoring.

Encouraging officers to use "less lethal" munitions instead of deescalation to resolve resident concerns about the speed at which they were being asked to move to vacate the area.

In order to better understand the planning process for this operation I am re-

questing that the PAB consider the following documents and to request these from the BPD or other relevant agencies and departments.

Operational PLan for the June 4th raid on the encampment at 8th and Harrison
After Action report for the June 4, 2025 action that is required to be written according to BPD policies.
Documents from the City Manager's office, the Homeless Response Team, [redacted] and any other agencies or departments that participated in the action on June 4th. "Documents" should include interagency emails, memos or documents describing the action to be taken.

Location of Incident (if applicable)	8th and Harrison
Date of Incident (if applicable)	June 04, 2025
Time of Incident (if applicable)	07:00 AM
What changes to BPD policy, practice, or procedure do you propose?	See above

Additional Information

Use this space for any additional information you wish to provide about your complaint. (Or, attach relevant documentation you believe will be useful to the Police Accountability Board in evaluating your complaint.)	(See my previous response) Please let me know if you need video documentation of the events that have not already been provided.
Upload Document	Not Specified

Incident External Links

Not Specified

How Did You Hear About Us

Not Specified

ATTACHMENT 2

Preliminary Policy Review Plan – ODPA Review No. 2025-PR-0005 (Proposed)

OBJECTIVE

The objective of this policy review is to evaluate whether the Berkeley Police Department's policies, practices, and procedures governing the planning and execution of multi-agency operations—particularly those involving unhoused communities and the clearing of encampments—adequately safeguard civil liberties, ensure compliance with legal standards, and provide clear accountability for command-level decision-making. This review aims to identify potential policy gaps or ambiguities that may contribute to officer conduct inconsistent with department policy or the law and to assess whether additional guidance or oversight mechanisms are necessary to promote lawful, transparent, and accountable policing.

METHODOLOGY

To carry out this policy review, ODPA staff will take the following steps:

DOCUMENT COLLECTION AND REVIEW
Obtain and review the following documents: • Relevant planning documents and materials associated with the June 6, 2025, operation. • Any post-operation reviews, evaluations, or summaries. • Communications and directives issued by BPD leadership or City officials. • Available documentation and recordings related to officer actions and decision-making during the operation. • Applicable policies, procedures, and protocols related to multi-agency operations and encampment enforcement efforts.

LEGAL AND POLICY FRAMEWORK ANALYSIS

- Analyze relevant federal and state legal standards, relevant case law, and due process obligations.
- Compare BPD's current policy framework with best practices and model policies from other jurisdictions and national oversight organizations.

RESOURCE AND LITERATURE REVIEW

- To inform the evaluation of existing policies and support the development of recommendations, a review of relevant data, studies, and practice guides related to homelessness, behavioral health, and law enforcement response. Potential resources for review include, but are not limited to:
    - Alameda County Housing and Homelessness Services. (2024). Berkeley PIT 2024 infographic. https://homelessness.acgov.org/homelessness-assets/docs/infographic/Berkeley%20PIT%202024%20Infographic.pdf
    - California Commission on Peace Officer Standards and Training. (2023). *A first responder's guide for persons with mental illness or developmental disability* (2nd ed.). https://post.ca.gov/Portals/0/post_docs/publications/mental-health/Mental_Health.pdf
    - Dones, M., Espinoza, M., Smith, A., Perry, E., Dhatt, Z., Knight, K. R., & Kushel, M. (2025). Behavioral health and homelessness in the California Statewide Study of People Experiencing Homelessness. UCSF Benioff Homelessness and Housing Initiative. https://homelessness.ucsf.edu/sites/default/files/2025-03/Behavioral%20Health%20Report.pdf
    - Kushel, M., Moore, T., Birkmeyer, J., Dhatt, Z., & the CASPEH Study Team. (2023, June). CASPEH executive summary. UCSF Benioff Homelessness and Housing Initiative. https://homelessness.ucsf.edu/sites/default/files/2023-06/CASPEH_Executive_Summary_62023.pdf
    - UCSF Benioff Homelessness and Housing Initiative. (2025, March 20). Behavioral health & homelessness: Findings from the California statewide study of people experiencing homelessness [Webinar slides]. **https://homelessness.ucsf.edu/sites/default/files/2025-03/BHHI_BH_Webinar_Slides.pdf**

STAKEHOLDER ENGAGEMENT

- Interview the Complainant and potentially impacted community members to better understand their perspectives and gather contextual evidence.

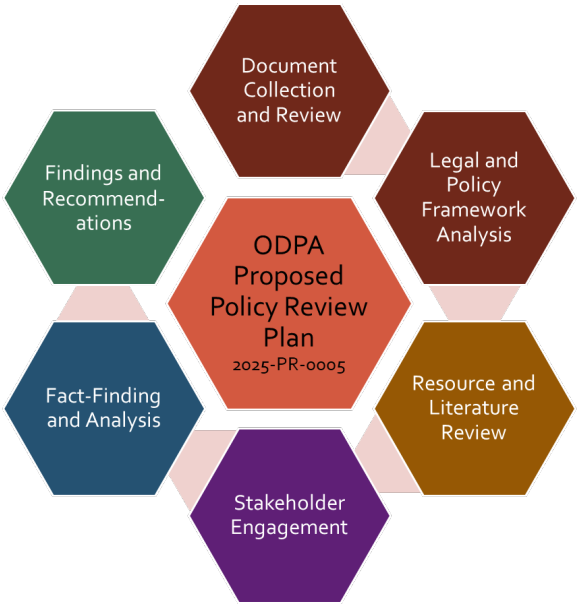
Consult with subject matter experts on encampment operations, civil rights law, Public Health, Mental Health, Police Practices, and other relavant areas.

FACT-FINDING AND ANALYSIS

- Identify consistencies or discrepancies between BPD policies, planning documents, officer conduct, and legal standards.
- Assess whether the operation followed or deviated from internal protocols and what oversight was in place.

FINDINGS AND RECOMMENDATIONS

- Summarize findings and provide analysis in a written report to the PAB.
- Identify potential policy gaps, areas for clarification or reform, and recommendations to improve policy guidance, training, and accountability.



Item 9.e.

ODPA Memo to the PAB Titled "Berkeley Police Department (BPD) Surveillance Acquisition Report: External Fixed Cameras – Flock Safety Condor Video Cameras"

MEMORANDUM

Date: June 18, 2025

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

From: Hansel A. Aguilar, Director of Police Accountability
Jose D. Murillo, ODPA Policy Analyst

Subject: Berkeley Police Department (BPD) Surveillance Acquisition Report: External Fixed Cameras – Flock Safety Condor Video Cameras

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This memorandum is intended to provide the PAB with an overview of the requirements set forth in Berkeley Municipal Code Chapter 2.99, "Acquisition and Use of Surveillance Technology,"[1] a summary of the PAB's prior positions on fixed surveillance cameras, and an outline of the proposed Flock Safety Condor Video Cameras.

Background:

On June 18, 2025, Chief of Police Jennifer Louis submitted an updated Acquisition Report for Flock Safety Video Cameras to the ODPA (see Attachment 1). She also provided BPD Policy 1304, "Surveillance Use Policy – External Fixed Video Surveillance Cameras" (Attachment 2), and Policy 351, "External Fixed Video Surveillance Cameras" (Attachment 3), both of which remain unchanged since the City Council's initial approval of the external fixed surveillance camera program on June 13, 2023.[2]

In its 2023 report to City Council,[3] the PAB noted concerns regarding the use of fixed surveillance cameras in Berkeley. While recognizing the police department's

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[1] Berkeley Municipal Code Section 2.99: https://berkeley.municipal.codes/BMC/2.99
[2] June 13, 2023 Berkeley City Council Annotated Agenda: https://berkeleyca.gov/sites/default/files/city-council-meetings/2023-06-13%20Annotated%20Agenda%20-%20Council_0.pdf
[3] 2023 PAB Policy Review Report "BPD Draft Policies 351 & 1304: External Fixed Video Surveillance Cameras & Surveillance Use Policy -External Fixed Video Surveillance Cameras": https://berkeleyca.gov/sites/default/files/documents/2023-03-10%20PAB%20Recommendation%20for%20Fixed%20Video%20Surveillance%20Cameras-final.pdf

commitment to public safety and evidence-based strategies, the Board observed that there was limited evidence supporting the effectiveness of fixed cameras for police oversight or traffic investigations. Although some research indicated that CCTV systems can reduce crime, such outcomes were generally associated with extensive coverage and continuous monitoring—conditions that may exceed the capacity of Berkeley's police department.

As a result, the PAB did not recommend fixed cameras as a primary crime deterrent in Berkeley at that time. The Board also questioned whether Policies 1304 and 351, which permitted a broad range of camera uses, aligned with City Council's direction to limit fixed camera use to supporting criminal investigations. The PAB concluded that any future proposals to expand fixed camera use for crime prevention should be carefully evaluated in light of the available evidence.

Approval Requirements:

Berkeley Municipal Code Chapter 2.99.030[4] requires City Council approval, except in exigent circumstances, before the City Manager may pursue activities related to the acquisition or use of surveillance technology—including applying for funding, acquiring or deploying new technologies, changing the use of previously approved technologies, or entering agreements to share such technologies or data.

Crucially, before City Council can adopt any Surveillance Use Policy, the City Manager must first submit the policy and accompanying Surveillance Acquisition Report to the PAB. The PAB is responsible for reviewing these materials and, within 30 days, voting to recommend approval, propose modifications, object to the policy, or take no action. While the PAB's input is required, the City Manager may still proceed with the process regardless of the PAB's position or inaction.

Requirements for the Surveillance Acquistion Report per BMC 2.99.020(3)[5]

A Surveillance Acquisition Report is defined as a publicly released written report that must be prepared *prior to acquiring or permanently using* a new type of surveillance technology (except in exigent circumstances). It must include:

- Description: How the technology works, including manufacturer details
- Purpose: The intended use(s) of the technology
- Location: General areas of deployment and reasons for deployment
- Impact: Assessment of potential impacts on civil rights and liberties

[4] Berkeley Municipal Code Section 2.99.030: https://berkeley.municipal.codes/BMC/2.99.030
[5] Berkleey Municipal Code Section 2.99.020(3): https://berkeley.municipal.codes/BMC/2.99.020(3)

- Mitigation: Steps to reduce or prevent those impacts
- Data Types and Sources: Types and origins of data to be collected
- Data Security: Measures to protect data from unauthorized access
- Fiscal Cost: Total cost estimates, including purchase and ongoing use
- Third-Party Access: Any involvement or access by external vendors
- Alternatives: Consideration of other methods or technologies
- Experience of Other Entities: Lessons learned from other jurisdictions

Requirements for the Surveillance Use Policy per BMC 2.99.020(4)[6]

Surveillance Use Policy is defined as a publicly released, legally enforceable policy that governs the use of each surveillance technology and is based on the corresponding Surveillance Acquisition Report. It must include:

- Purpose: The specific public safety or administrative goal
- Authorized Use: Allowed and prohibited uses, with required procedures
- Data Collection: Rules on what data may or may not be collected
- Data Access: Who can access the data and under what conditions
- Data Protection: Safeguards like encryption and vendor-level security
- Civil Liberties and Rights Protection: Protections against misuse, including disparate impacts
- Data Retention: How long data will be kept, and when it is deleted
- Public Access: If and how the public can access collected data
- Third-Party Data Sharing: Conditions for sharing data with others
- Training: Required training for staff using the technology
- Auditing and Oversight: Compliance monitoring and enforcement
- Maintenance: Procedures for secure and effective operation of the technology

Items for PAB Consideration

Although the PAB has previously reviewed and issued an opinion on the use of fixed surveillance cameras—and City Council has since approved their deployment—the

[6] Berkleey Municipal Code Section 2.99.020(4): https://berkeley.municipal.codes/BMC/2.99.020(4)

newly proposed cameras introduce a distinct set of capabilities that warrant additional review. The presented use policies remain unchanged from those developed for the initial implementation of fixed cameras procured through Edgeworth Integration, LLC;[7] however, the new cameras are designed to integrate with the City's existing Flock automated license plate reader (ALPR) network, enabling both systems to enhance one another's functionality. Given this compatibility, the use policies should be updated to reflect these expanded capabilities. The PAB may also wish to consider aligning certain elements of the fixed camera policy with the ALPR policy to ensure consistency in oversight, data management, and privacy protections.

To assist in this assessment, the table below provides a side-by-side comparison of key provisions in the proposed fixed camera use policy and the existing ALPR use policy, highlighting areas of alignment as well as potential gaps or inconsistencies.

Category	Policy 1304: External Fixed Video Surveillance Cameras (Proposed)	Policy 1305: Fixed Automated License Plate Readers (ALPRs)
Purpose	This policy only applies to fixed, overt, marked external video surveillance systems utilized by BPD. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department. (Section 1304.1)	Provides guidance on capturing, storing, and using ALPR data, balancing law enforcement use with public privacy rights. ALPR data is confidential, not open to public review, and prohibited from being shared with federal immigration agencies under California law. (Section 1305.1)
Authorized Use	The cameras record video only (no sound). Recorded footage may be accessed and reviewed by authorized BPD personnel solely to support specific and active criminal investigations, serious traffic-related investigations, police misconduct investigations, and to respond to critical incidents or natural disasters. (Section 1304.2)	ALPRs are used only for official law enforcement, including patrols and investigations. Operators must be trained. Alerts must be verified through CLETS and visual confirmation before enforcement. Use of hot lists is strictly managed. Unauthorized or discriminatory use is prohibited. (Section 1305.3)

[7] Contract Number 32500112 (2024) with Edgeworth Integration, LLC for the procurement and installation of fixed video surveillance systems mounted on traffic signal mast arms at various City of Berkeley intersections approved by the Council:
https://records.cityofberkeley.info/PublicAccess/api/Document/AYFtvYdc%C3%81DpY3YvpaWL8B63kwGmfEzKoShzaf%C3%81TGATVQ8RYU5RN%C3%89T40gG%C3%89Ai9vSd1KdQwQDFeg0r56Jdbjh7OfI%3D/

Internal

Category	Policy 1304: External Fixed Video Surveillance Cameras (Proposed)	Policy 1305: Fixed Automated License Plate Readers (ALPRs)
Data Collection	Cameras record video only (no audio, no license plate or facial recognition) with footage stored securely on City-owned encrypted servers. Audio and advanced features require City Council approval. The City fully owns and maintains all equipment. (Section 1304.3)	ALPR data is securely stored and retained for 30 days unless needed for evidence or investigations, then kept per legal requirements. Hot list data follows City retention schedules. Vendor data isn't shared or sold. (Section 1305.4)
Data Access	Footage is accessible by authorized BPD personnel solely for active criminal investigations, serious traffic cases, police misconduct investigations, and responses to critical incidents or natural disasters. (Section 1304.4)	Only department-trained personnel may operate ALPR equipment or access data. CLETS access requires separate authorization. Operators should verify ALPR alerts through CLETS before taking enforcement action based solely on the alert. (Section 1305.5)
Data Protection	Data is encrypted and access is strictly controlled and logged. Evidence handling follows established Property and Evidence policies. (Section 1304.5)	ALPR data access is limited, logged, and audited. Releases require approval. Data accuracy and query documentation are maintained. (Section 1305.6)
Civil Liberties and Rights Protection	Use complies with laws protecting privacy and civil rights; no facial or license plate recognition used; audio disabled. (Section 1304.6)	BPD safeguards privacy and civil liberties per federal and state laws, preventing unauthorized ALPR data use and ensuring no civil rights violations or discriminatory impacts occur. (Section 1305.7)
Data Retention	**Video is retained up to 180 days unless linked to incidents or investigations, which are kept at least 2 years and 1 month or until case closure.** Deletions are automated unless evidence is preserved. (Section 1304.7)	**ALPR data is stored for up to 30 days, then purged unless needed for legal purposes.** Relevant data may be retained per the City's retention schedule. Vendors handle storage and security. (Section 1305.8)
Public Access	Video data is available through formal public records requests or legal orders only. (Section 1304.8)	Data is confidential; summary stats may be shared in public reports. (Section 1305.9)
Third-Party Data Sharing	Sharing with other agencies requires approval and is limited to	Only shared with law enforcement or prosecutors for official use. **Not shared for immigration enforcement.**

Category	Policy 1304: External Fixed Video Surveillance Cameras (Proposed)	Policy 1305: Fixed Automated License Plate Readers (ALPRs)
	active investigations or legal requests. (Section 1304.9)	Requires signed acknowledgment and compliance review. (Section 1305.10)
Training	All authorized BPD personnel must complete training on camera operation, software, policies, and applicable laws, including privacy protections. ((Section 1304.10)	All ALPR users must be trained by BPD and receive a copy of the Surveillance Use Policy. (Section 1305.11)
Auditing and Oversight	Access logs are reviewed biennially; findings reported to leadership and included in annual public reports. Misuse results in disciplinary action. (Section 1304.11)	Same as fixed cameras. (Section 1305.12)
Maintenance	Public Works coordinates all updates and maintenance with access limited per City Manager policies. ((Section 1304.12)	Managed by the Investigations Division Captain; vendor handles equipment upkeep. (Section 1305.13)

ATTACHMENT 1

Surveillance Acquisition Report: External Fixed Surveillance Cameras- Flock Safety Condor Video Cameras

This report is submitted in accordance with Berkeley Municipal Code (BMC) Chapter 2.99 concerning the Acquisition and Use of Surveillance Technology. The City of Berkeley is transitioning its External Fixed Video Surveillance Camera program vendor from Edgeworth Integration, LLC to Flock Safety and deploy Flock Safety Condor video cameras.

1. Description (BMC 2.99.020(3)(a))

- Condor cameras capture high-definition video footage. PTZ models allow for remote control to pan, tilt, and zoom.
- They operate on the FlockOS platform, which is the same platform through which Berkeley PD accesses Automatic License Plate Readers (ALPR).
- The cameras do no record audio, and audio recording is explicitly prohibited by Berkeley policy for these types of cameras.
- The system utilizes AI for features like "People Detection Alerts" (identifying human presence without facial recognition) and "Visual Alerts" (tracking vehicles across feeds).
- Some models feature dual lenses to maintain wide-angle context while zoomed in.
- They offer features like 25x optical zoom and high-quality nighttime imagery.
- Crucially for Berkeley's deployment challenges, Flock offers solar-powered, LTE-enabled cameras, eliminating the need for direct electrical wiring or complex network infrastructure setup on city poles.
- Data is transmitted wirelessly via cellular connection to cloud storage. Flock provides installation, ongoing maintenance, cellular service, and software updates as part of its subscription model.

2. Purpose (BMC 2.99.020(3)(b))

The proposed purpose for the Flock Safety Condor cameras is to provide real-time awareness and investigative capacity in following use cases:

- To support specific and active criminal investigations.
- To support serious traffic-related investigations.
- To support police misconduct investigations, and
- To respond to and review critical incidents or natural disasters.

3. Location (BMC 2.99.020(3)(c))

The cameras are proposed for deployment adjacent to the following intersections, chosen for high pedestrian traffic and analysis of crime trends:

- Center / MLK
- Milvia / Alston
- College / Ashby
- 9th / Gilman

- Center / Shattuck
- University / Shattuck
- Cedar / Shattuck
- Durant / Telegraph
- 4th / Virginia
- University / MLK
- Solano / Colusa
- 4th / Hearst
- Adeline / Fairview
- Shattuck / Ashby
- 62rd / King
- College / Alcatraz

Additional potential locations if funding allows include Ashby Ave / Domingo Ave, Ashby Ave / San Pablo Ave, Dwight Ave / San Pablo Ave, and University Ave / San Pablo Ave. This plan reallocates previously approved locations now covered by ALPRs or facing installation barriers.

4. Impact (BMC 2.99.020(3)(d))

- The deployment aims to enhance public safety and aid investigations.
- As with any surveillance, there is a potential impact on privacy and civil liberties, specifically the expectation of anonymity in public spaces. The cameras will capture video of public areas with high foot traffic.
- Concerns regarding potential disparate impacts on specific communities are acknowledged. Mitigation measures (Section 5) and adherence to a strict Use Policy are intended to prevent discriminatory use.
- Safeguarding privacy from potential misuse, particularly concerning federal immigration enforcement, is critical. Protections include state law (SB 54 prohibiting sharing for federal immigration enforcement), alignment of BPD policy with state law, Flock's terms forbidding such sharing, and prompt notification procedures if federal access is requested.
- The technology provider, Flock Safety, states its video cameras do not use facial recognition technology. Berkeley city policy explicitly prohibits the use of facial recognition technology.

5. Mitigation (BMC 2.99.020(3)(e))

- A comprehensive Surveillance Use Policy specific to this technology is in place and enforced (Policy 1304), outlining authorized uses, data handling, retention, and oversight, consistent with BMC 2.99.020(4).
- Use will comply with California SB 54, prohibiting data sharing for federal immigration enforcement. Flock's Terms of Agreement also forbid sharing data with federal immigration agencies. The City will be notified if federal authorities request access, allowing for intervention and oversight.
- Data access will be restricted to authorized personnel via secure login credentials managed by the City. Audit trails will log all access. Role-based access controls are available to manage least privilege.
- Data will be encrypted during transmission (TLS 1.2+) and storage (AES-256) to mitigate cybersecurity risks and prevent unauthorized third-party access. Data is stored on AWS GovCloud meeting strict governmental security standards.
- Data will be retained for a limited period pursuant to the Department Use Policy, and automatically deleted thereafter using secure methods compliant with NIST 800-88 to reduce risks associated with unauthorized use.

- The technology will not be used for facial recognition or to unlawfully discriminate based on protected characteristics. The cameras will not be used for automated traffic enforcement.
- Signage will be posted in areas where cameras are deployed. This report and the subsequent Use Policy will be public documents.
- Using solar-powered cameras minimizes infrastructure impact and reliance on grid power at specific pole locations.

6. Data Types and Sources (BMC 2.99.020(3)(f))

- High-definition video recordings of public spaces. Associated metadata including date, time, and camera location. AI-derived alerts for human presence (without identification) or vehicle characteristics (if integrated with ALPR features).
- Video feeds directly from the Flock Safety Condor cameras affixed to City-owned poles or other suitable infrastructure in public rights-of-way. The system may integrate data/alerts from the City's existing Flock ALPR system.

7. Data Security (BMC 2.99.020(3)(g))

Flock Safety describes a multi-layered security architecture prioritizing encryption, data protection, and compliance. Key aspects include:

- Flock states its practices align with principles in the FTC Safeguards Rule and comply with frameworks like NIST CSF, NIST 800-53 Rev 5, and holds ISO 27001 certification.
- Flock employs dedicated security teams (Product Security, Corporate Security, Risk/Compliance) including a CISO and professionals with CISSP and CIPP certifications.
- Regular risk assessments (annual, utilizing NIST frameworks) are conducted, prioritized threats are tracked, and cyber threat intelligence is monitored. Quarterly security reviews and board transparency ensure oversight.
- Data is encrypted in transit (TLS 1.2+ or higher) and at rest (AES-256).
- Data is stored in Flock Safety's secure cloud environment (AWS, including AWS GovCloud for CJIS data accessible only by Law Enforcement), leveraging geographic redundancy and robust backup policies.
- Role-based access controls (RBAC) enforce least privilege for both customer administrators and Flock personnel. Access is centrally managed via an identity provider, reviewed quarterly.
- Multi-Factor Authentication (MFA) is required for privileged access and recommended for all users (supported methods include authenticator apps, SMS, customer SSO). SSO technologies (Azure AD, Okta, SAML) are supported.
- Regular security assessments (including OWASP checks, vulnerability scanning) are performed on in-house and third-party applications. Advanced tooling monitors platform, container, endpoint, and network security.
- Hardware/software inventories are actively managed. A formal SDLC process (Agile, GitHub for source code, Jira for tracking) governs changes, with mandatory reviews, testing, separation of environments, and infrastructure management via Terraform.
- Data is automatically deleted after the retention period pursuant to policy using secure methods (e.g., cryptographic wiping) aligned with NIST 800-88 guidelines.

- Continuous monitoring (including SIEM) detects unauthorized access attempts, security events, and logs privileged user access.
- Comprehensive security awareness training is mandatory for all personnel upon hire, annually, and for significant changes, covering policies, incident response, and role-specific duties.
- Flock undergoes regular third-party assessments including SOC 2 Type II (annually), ISO 27001 certification, and CJIS ACE compliance assessment. A formal third-party risk management program vets vendors integrated with Flock products.
- Flock maintains a documented incident response plan that is tested quarterly and reviewed annually, defining roles, responsibilities, and procedures for handling breaches.

8. Fiscal Impact (BMC 2.99.020(3)(h))

- Flock Safety cameras are priced as a subscription service at $5,000 per camera per year. For the 16 proposed cameras, the annual cost is $80,000. This includes installation, maintenance, data hosting, cellular connectivity, and software updates.
- The FY 2024 baseline Public Works budget allocated $600,000 for external cameras. $290,000 was disbursed to the previous vendor, Edgeworth; the City aims to reassign these funds to other projects. The remaining $310,000 is sufficient to cover over four years of operating costs for the 16 Flock cameras. Recovering the $290,000 could fund an additional four years.
- Ongoing costs include City staff time for system administration, oversight, auditing, and reporting, similar to the previous system. Specific costs are TBD but covered within existing departmental budgets.
- The City intends to seek grant funding to potentially offset purchase/subscription costs.

9. Third Party Dependence and Access (BMC 2.99.020(3)(i))

- The City will depend on Flock Safety for the camera hardware, the FlockOS software platform, cellular data transmission, cloud storage, system maintenance, and software updates. This is inherent in the subscription model.
- Flock Safety handles and stores the data on its cloud platform.
- The City owns the data. Flock Safety states it will not share or sell customer data. Access to the data by third parties (including Flock Safety personnel) is controlled by the City through permissions managed within the FlockOS platform. Any data sharing with other entities (e.g., other law enforcement agencies) would be governed by Berkeley PD's Surveillance Use Policy and applicable laws.
- The City's contract with Flock Safety will require the company to provide prompt notification of any data request from a federal agency. Flock will not release data unless legally compelled to do so by federal law, and in such cases, will provide the City with advance notice to the greatest extent possible before complying.

10. Alternatives (BMC 2.99.020(3)(j))

- Continuing with the originally approved vendor, Edgeworth Integration, was considered but deemed unfeasible due to insurmountable technical challenges related to power requirements at proposed locations and installation delays.

- Relying solely on traditional policing techniques (e.g., increased officer patrols) is an alternative but does not provide the persistent monitoring or video evidence capabilities offered by cameras.
- Deciding against deploying fixed video surveillance cameras altogether.

11. Experience of Other Entities (BMC 2.99.020(3)(k))

- Many cities, including neighboring jurisdictions like San Francisco, Oakland, and San Jose, utilize fixed surveillance cameras as a tool for public safety and crime deterrence, often with their own specific use policies.
- Flock Safety systems (including LPR and video) are used by numerous law enforcement agencies nationally. These agencies often cite benefits in investigations and situational awareness.

ATTACHMENT 2

Policy
1304

Berkeley Police Department
Law Enforcement Services Manual

Surveillance Use Policy-External Fixed Video Surveillance Cameras

1304.1 PURPOSE

This policy provides guidance for the use of City of Berkeley external fixed video surveillance cameras by the Berkeley Police Department (BPD).

This policy only applies to fixed, overt, marked external video surveillance systems utilized by BPD. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department. Department personnel shall adhere to the requirements for External Fixed Video Surveillance Cameras covered in this policy as well as the corresponding Use Policy-351.

This Surveillance Use Policy is legally-enforceable pursuant to BMC 2.99.

1304.2 AUTHORIZED USE

Only BPD members who receive training on this policy, who are then granted access by an administrator may access the data from the video surveillance cameras. This data may only be accessed to further a legitimate law enforcement purpose, as listed in this Policy. Members must follow the necessary logging mechanisms, such as case number and case type when querying the database.

The cameras shall only record video images and not sound. Recorded images pursuant to Section 351.5 may be accessed, reviewed, and used for specific criminal or BPD administrative investigations and video surveillance may be accessed and reviewed by authorized BPD personnel for the following purposes:

(a) To support specific and active criminal investigations.

(b) To support serious traffic-related investigations.

(c) To support police misconduct investigations, and

(d) To respond to and review critical incidents or natural disasters.

Unauthorized recording, viewing, reproduction, dissemination, or retention of video footage is prohibited.

The following are prohibited uses of the video surveillance system:

(a) Unauthorized recording, viewing, reproduction, dissemination, or retention of video footage is prohibited.

(b) Video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

(c) Video surveillance systems shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

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(d) Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.

(e) Video surveillance systems and recordings are subject to the Berkeley Police Department's Immigration Law Policy, and hence may not be shared with federal immigration enforcement officials.

1304.3 DATA COLLECTION

The cameras will film and store video on City of Berkeley encrypted servers. License plate and facial recognition data hardware is not installed on the cameras and may not be installed or used unless approved by the City council. Audio is a standard feature of the camera, but is deactivated by the system administrator and may not be activated or used unless approved by the City Council. The cameras and storage devices shall be wholly owned and operated/maintained by the City of Berkeley.

1304.4 DATA ACCESS

Access to video surveillance cameras data shall be limited to BPD personnel utilizing the camera database for uses described above and pursuant to Use Policy 351, with technical assistance from Public Works Department and Department of Information Technology personnel. Information may be shared in accordance with 1304.9 below. BPD members seeking access to the video surveillance system shall obtain the approval of the Investigations Division Captain, or their designee.

Supervisors should monitor camera access and usage to ensure BPD members are complying with this policy, other applicable department policy, and applicable laws. Supervisors should ensure such use and access is appropriately documented.

1304.5 DATA PROTECTION

All data transferred from the cameras and the servers shall be encrypted. Access to the data must be obtained through the Public Works Department according to this policy and published regulations that limit access and use of data by Public Works and other City Departments and personnel. All system access including system log-in, access duration, and data access points is accessible and reportable and shall be documented by the Public Works Department's authorized administrator. All relevant recordings that are utilized will be collected pursuant to Policy 802, Property and Evidence, and retained pursuant to Policy 804 Records and Maintenance.

1304.6 CIVIL LIBERTIES AND RIGHTS PROTECTION

The Berkeley Police Department is dedicated to the most efficient utilization of its resources and services in its public safety endeavors. The Berkeley Police Department recognizes the need to protect its ownership and control over shared information and to protect the privacy and civil liberties of the public, in accordance with federal and state law. Provisions of this policy, including 1304.4 Data Access, 1304.5 Data Protection, 1304.7 Data Retention, 1304.8 Public Access and 1304.9 Third Party Data Sharing serve to protect against any unauthorized use of video

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surveillance camera data. License plate and facial recognition data hardware is not installed on the cameras. Audio is a standard feature of the camera, but is deactivated by the system administrator. These procedures ensure the data is not used in a way that would violate or infringe upon anyone's civil rights and/or liberties, including but not limited to potentially disparate or adverse impacts on any communities or groups.

1304.7 DATA RETENTION

Video surveillance recordings are not government records pursuant to California Government Code 34090 in and of themselves. Except as otherwise permitted in this section, video surveillance recordings shall be purged within one hundred and eighty (180) days of recording. Recordings of incidents involving use of force by a police officer or involving detentions, arrests, or recordings relevant to a formal or informal complaint against a police officer shall be retained for a minimum of two years and one month. Recordings relating to court cases and complaints against BPD sworn officers that are being adjudicated will be manually deleted at the same time other evidence associated with the case is purged in line with the Department's evidence retention policy. Any recordings related to BPD administrative proceedings pursuant to this section shall be maintained until such matter is fully adjudicated, at which time it shall be deleted in line with the Department's evidence retention policy, and any applicable orders from the court. All data will automatically delete after the aforementioned retention period by the System Administrator from Public Works.

Any recordings needed as evidence in a criminal or police misconduct proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

1304.8 PUBLIC ACCESS

Data collected and used in a police report shall be made available to the public in accordance with department policy and applicable state or federal law.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records pursuant to Policy 804.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

1304.9 THIRD-PARTY DATA-SHARING

Requests for recorded video from other law enforcement agencies shall be referred to the Investigations Division Captain, or their designee for release in accordance with this policy, and must be related to a specific active criminal investigation.

Data collected from the video surveillance system may be shared with the following:

(a) The District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence;

(b) Other law enforcement personnel as part of an active criminal investigation;

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(c) Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process

Requests for recorded video from the Office of Director of Police Accountability and Police Accountability Board shall be referred to the Investigations Division Captain, or their designee, for release in accordance with Charter Article XVIII, Section 125, Subdivision (20)(a).

1304.10 TRAINING

All BPD members authorized to operate or access video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, associated software, and review of relevant policies and procedures, including this policy as well as review of relevant City of Berkeley laws and regulations.

Training should also address state and federal law related to the use of video surveillance equipment and privacy. All relevant recordings that are utilized will be collected pursuant to Policy 802 Property and Evidence, and retained pursuant to Policy 804 Records Maintenance.

1304.11 AUDITING AND OVERSIGHT

The video surveillance software generates a site log each time the system is accessed. The site log is broken down by server, device, user or general access. The site log is kept on the server for two years and is exportable for reporting. Video surveillance system audits will be conducted by the Professional Standards Bureau's Audit and Inspections Sergeant on a regular basis, at least biennial.

BPD will enforce against prohibited uses of this policy pursuant to Policy 1010, Personnel Complaints or other applicable law or policy. The City Manager shall enforce against any prohibited use of the cameras and/or access to data by other City of Berkeley personnel.

The audit shall be documented in the form of an internal department memorandum to the Chief of Police. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Chief of Police, the memorandum and any associated documentation shall be placed into the annual report filed with the City Council pursuant to BMC Section 2.99.020 2. d., published on the City of Berkeley website in an appropriate location, and retained within the Professional Standards Bureau.

1304.12 MAINTENANCE

It shall be the responsibility of the Public Works Department to facilitate and coordinate any updates and required maintenance with access limited to that detailed in the City Manager's promulgated policies.

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ATTACHMENT 3

Policy
351

Berkeley Police Department
Law Enforcement Services Manual

External Fixed Video Surveillance Cameras

351.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of City of Berkeley external fixed video surveillance cameras by the Berkeley Police Department (BPD).

This policy only applies to fixed, overt, marked external video surveillance systems utilized by the BPD. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department, as authorized by the City Council for use by other City Departments. BPD Personnel shall adhere to the requirements for External Fixed Video Surveillance Cameras covered in this policy as well as the corresponding Surveillance Use Policy -1304.

351.2 POLICY

The Berkeley Police Department utilizes a video surveillance system to enhance its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance safety and security in public areas. As specified by this policy, cameras may be placed in strategic locations throughout the City to record, deter, and solve crimes, to help the City safeguard against potential threats to the public, and to help manage emergency response situations during natural and human-made disasters, among other uses specified in Section 351.3.1.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

351.3 OPERATIONAL GUIDELINES

Only City Council-approved video surveillance equipment shall be utilized. BPD members authorized to review video surveillance may only record and review public areas and public activities where no reasonable expectation of privacy exists and pursuant to Section 351.3.1. The City Manager shall obtain Council approval of any proposed additional locations for the placement and use of video surveillance technology.

351.3.1 PLACEMENT REVIEW AND MONITORING

Camera placement will only occur in locations approved by the City Council and will be guided by this policy and the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City departments when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Camera placement includes existing cameras such as those located at San Pablo Park, the Berkeley Marina, and cameras placed in Council identified and approved intersections throughout the City, and potential future camera locations as approved by City Council.

Current City Council approved locations:

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- 6th Street at University Avenue
- San Pablo Avenue at University Avenue
- 7th Street at Dwight Way
- San Pablo Avenue at Dwight Way
- 7th Street at Ashby Avenue
- San Pablo Avenue at Ashby Avenue
- Sacramento Street at Ashby Avenue
- College Avenue at Ashby Avenue
- Claremont Avenue at Ashby Avenue
- 62nd Street at King Street

The cameras shall only record video images and not sound. Recorded images pursuant to Section 351.5 may be accessed, reviewed, and used for specific criminal or BPD administrative investigations and video surveillance may be accessed and reviewed by authorized BPD personnel for the following purposes:

(a) To support specific and active criminal investigations.

(b) To support serious traffic-related investigations.

(c) To support police misconduct investigations, and

(d) To respond to and review critical incidents or natural disasters.

Unauthorized recording, viewing, reproduction, dissemination, or retention of video footage is prohibited.

351.3.2 FIXED CAMERA MARKINGS
All public areas monitored by video surveillance equipment shall be marked in a conspicuous manner with unobstructed signs to inform the public that the area is under police surveillance.

351.3.3 INTEGRATION WITH OTHER TECHNOLOGY
The Department is prohibited from integrating or accessing system capabilities of the video surveillance system with other systems, such as gunshot detection, automated license plate recognition, facial recognition and other video-based analytical systems.

351.4 VIDEO SUPERVISION
Access to video surveillance camera data shall be limited to Berkeley Police Department (BPD) personnel utilizing the camera database for uses authorized above, with technical assistance from Public Works Department and Department of Information Technology personnel. Information may be shared in accordance with Sections 351.6 or 1304.9 below. BPD members seeking access to the camera system shall obtain the approval of the Investigations Division Captain, or their designee.

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Supervisors should monitor video surveillance access and usage to ensure BPD members are complying with this policy, other applicable department policy, and applicable laws. Supervisors should ensure such use and access is appropriately documented.

351.4.1 VIDEO LOG
No one without authorization will be allowed to login and view the recordings. Those who are authorized and login should automatically trigger the audit trail function to ensure compliance with the guidelines and policy.

351.4.2 PROHIBITED ACTIVITY
Video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Video surveillance systems shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.

Video surveillance systems and recordings are subject to the Berkeley Police Department's Immigration Law Policy, and hence may not be shared with federal immigration enforcement officials.

351.5 STORAGE AND RETENTION OF MEDIA
Video surveillance recordings are not government records pursuant to California Government Code 34090 in and of themselves. Except as otherwise permitted in this section, video surveillance recordings shall be purged within one hundred and eighty (180) days of recording. Recordings of incidents involving use of force by a police officer or involving, detentions, arrests, or recordings relevant to a formal or informal complaint against a sworn police officer shall be retained for a minimum of two years and one month. Recordings relating to court cases and complaints against BPD sworn officers that are being adjudicated will be manually deleted at the same time other evidence associated with the case is purged in line with the Department's evidence retention policy. Any recordings related to a police misconduct investigation shall be maintained until such matter is fully adjudicated, at which time it shall be deleted in line with the Department's evidence retention policy, and any applicable orders from the court.

Any recordings needed as evidence in a criminal or police misconduct proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

351.5.1 EVIDENTIARY INTEGRITY
All media downloaded and retained pursuant to this Policy shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to

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preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

351.6 RELEASE OF VIDEO IMAGES

Data collected and used in a police report shall be made available to the public in accordance with department policy and applicable state or federal law, also referenced in Policy 1304.8.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records pursuant to Policy 804, Records Maintenance and Release.

Requests for recorded video from other law enforcement agencies shall be referred to the Investigations Division Captain, or their designee for release in accordance with this policy and must be related to a specific active criminal investigation.

Requests for recorded video from the Office of Director of Police Accountability and Police Accountability Board shall be referred to the Investigations Division Captain, or their designee, for release in accordance with Charter Article XVIII, Section 25, Subdivision (20)(a).

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

351.7 VIDEO SURVEILLANCE AUDIT

The video surveillance software generates a site log each time the system is accessed. The site log is broken down by server, device, user or general access. The site log is kept on the server for two years and is exportable for reporting. System audits will be conducted by the Office of Strategic Planning and Accountability on a regular basis, at least biennial.

BPD will enforce against prohibited uses of the cameras pursuant to Policy 1010, Personnel Complaints, or other applicable law or policy. The City Manager shall enforce against any prohibited use of cameras and/or access to data by other City of Berkeley personnel.

The audit shall be documented in the form an internal department memorandum to the Chief of Police. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Chief of Police, the memorandum and any associated documentation shall be published on the City of Berkeley website in an appropriate location, and retained within the Office of Strategic Planning and Accountability.

351.8 TRAINING

All department members authorized to operate or access video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, associated software, and review of relevant policies and procedures, including this policy, as well as review of relevant City of Berkeley laws and regulations. Training should also address state and federal law related to the use of video surveillance equipment and privacy. All relevant recordings that are utilized

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will be collected pursuant to Policy 802, Property and Evidence, and retained pursuant to Policy 804, Records and Maintenance.

351.9 MAINTENANCE

It shall be the responsibility of the Public Works Director to facilitate and coordinate any updates and required maintenance, with access limited to that detailed in the City Manager's promulgated policies.

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Item 9.f.

BPD's Surveillance Acquisition Report and the proposed Use Policies for the replacement of the Jail's Cameras and Control Panel.

(A summary of the ODPA staff's review will be included in a forthcoming supplemental materials packet)

Surveillance Acquisition Report: Berkeley City Jail Surveillance System

This report is submitted in accordance with Berkeley Municipal Code (BMC) Chapter 2.99 concerning the Acquisition and Use of Surveillance Technology. The Berkeley Police Department is updating the existing Berkeley City Jail Surveillance System.

1. Description (BMC 2.99.020(3)(a))

The Avigilon camera system consists of three main components: the camera, the server, and a remote information management system known as the Avigilon Control Center Client application (ACC).

The first component, the Avigilon camera, is a device that incorporates a video recording from an image. The cameras are affixed within the City of Berkeley Public Safety Building, specifically in the Berkeley Jail hallways and detention cells. Existing cameras in the Jail will be updated, and additional cameras will be installed to enhance safety and coverage. Audio is a standard feature of the camera and will be enabled.

The second component of the system is the server. Once the Avigilon camera captures the imagery, a local device called a server, functions as a repository for the data. Servers are physically secured within the Jail facility and video recordings are stored securely within the City's network. These servers are designed to store footage in real time for later retrieval and analysis. Data is transferred from the server into an information management system, Avigilon Control Center (ACC) application.[1]

[1] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200320040AB839

Surveillance Acquisition Report: Berkeley City Jail Surveillance System

The third component is the Avigilon Control Center Client application (ACC) which streamlines data management and allows users to access videos on one secure platform. Authorized users of the system can only access data stored on a server through the ACC application. The ACC application is located on the server and accessed solely through the City's secured intranet by protected login credentials and password. The application does not allow users or administrators, the authorized administrator or system users to alter, manipulate, or edit any of the footage recorded by the server.

2. Purpose (BMC 2.99.020(3)(b))

The security cameras will be utilized for the following business purposes:

a. To monitor detainee activity to enhance security and safety for detainees and staff.
b. To support the enforcement of City and Police Department policies and procedures.
c. To prevent, deter, and identify illegal activity in Berkeley Police Department facilities, including the jail.
d. To document interactions involving City employees, detainees, or other individuals to safeguard all parties and address any potential misconduct.

3. Location (BMC 2.99.020(3)(c))

Security cameras encompassed by this report are inside the Berkeley Police Department Jail Facility, located at 2100 Martin Luther King Jr. Way, Berkeley CA 94704 (Public Safety Building)

4. Impact (BMC 2.99.020(3)(d))

The primary purpose of the cameras is described in Section 2, above. The Berkeley Jail and Public Works Department will work to ensure that the video recordings are secured and only accessible to authorized personnel (namely, authorized Jail personnel and managers trained on the uses and data security components of the camera. The Department recognizes the balance between safety and privacy rights in

Surveillance Acquisition Report: Berkeley City Jail Surveillance System

custodial settings. While detainees have a reduced expectation of privacy, the Berkeley Police Department is committed to safeguarding civil liberties and limiting access to recordings as required by law. The camera system lacks the hardware for facial recognition technology. Audio is a standard feature of the cameras and will be enabled to enhance safety. Staff are explicitly prohibited from using any facial recognition technology as outlined in BMC 2.99.

The Berkeley Police Department Support Services Captain and Public Works Department will ensure responsible data management, transparency, and accountability, including the posting of video surveillance notices within the facility.

5. Mitigation (BMC 2.99.020(3)(e))

A comprehensive Surveillance Use Policy specific to this technology is included, outlining authorized uses, data handling, retention, and oversight, consistent with BMC 2.99.020(4). To minimize privacy risks, all recorded data will be stored in secure, non-publicly accessible locations. Access to the system is restricted to authorized personnel through secure login credentials managed by the City. Audit trails are automatically generated to log all system access and activity.

Data will not be used to unlawfully discriminate based on protected characteristics. Additionally, recordings will not be scanned, searched, or analyzed for the purpose of identifying individuals based on any such characteristics. Use of facial recognition technology is explicitly prohibited.

Employees are prohibited from retaining, duplicating, or distributing recordings except for legitimate law enforcement or administrative purposes as outlined in the Department's Surveillance Use Policy.

The camera system complies with applicable laws including BMC Chapter 2.99 related to surveillance data handling. Signage will be posted to provide notice of surveillance operations within the facility.

6. Data Types and Sources (BMC 2.99.020(3)(f))

The camera system's use is limited to capturing video and audio recordings affixed within the Berkeley Jail. The camera system collects video recordings in high-resolution imagery that is stored securely on a local server and accessible by authorized users through the ACC application. As video images are recorded, the ACC application automatically stamps the video with the current date/time and the camera's identity.

7. Data Security (BMC 2.99.020(3)(g))

External users will not have access to the ACC application. The authorized administrator and designated staff will have access to video recordings. To gain system access, staff must obtain approval from system management. Authorized users will access the ACC application via a single sign-on and password

Surveillance Acquisition Report: Berkeley City Jail Surveillance System

administered by Information Technology. All system access including system log-in, access duration, and data access points are accessible and trackable by the Berkeley Jail and Public Works authorized administrator. The application prohibits the authorized administrator and users from altering, manipulating, tampering with, or editing video recordings.

The Public Works Director or their designee shall appoint a member of the department as the authorized administrator to coordinate the use and maintenance of the camera system and the storage of recordings, including:

1. Establishing a system for downloading, storing, and securing recordings.
2. Designating personnel responsible for downloading recorded data.
3. Establishing a maintenance system to ensure the working order of surveillance cameras.
4. Monitoring the system to prevent tampering, deleting, and copying recordings.
5. Working in alignment with the State of California record retention policy, AB 839, to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
6. Maintaining audit trails of all system access to video recording files, wherein access information for each file is logged using a secure log-in system. The ACC application associates an audit trail record with each user access information, thereby logging the date, time, username, and activity occurring during each video recording file access.

8. Fiscal Impact (BMC 2.99.020(3)(h))

Costs (fixed and ongoing) for the purchase and installation of the cameras are below. All camera servers are owned and maintained by the City of Berkeley.

Purchase and Installation Costs: $250,000.00. The annual anticipated maintenance and other ongoing costs, including compliance and other reporting and oversight requirements, is approx. $15,000.

9. Third Party Dependence and Access (BMC 2.99.020(3)(i))

Camera data is accessed by a secure network login and password and stored on servers maintained by the Department of Information Technology. No third-party has access to stored data. However, the ACC platform is a proprietary technology which requires all the components (camera, software, and server) to be part of the Avigilon suite.

10. Alternatives (BMC 2.99.020(3)(j))

Elect not to upgrade the existing camera system and forgo the added safety and coverage benefits provided by the new cameras.

Surveillance Acquisition Report: Berkeley City Jail Surveillance System

11. Experience of Other Entities (BMC 2.99.020(3)(k))

Security camera systems are standard in jail facilities throughout California and the United States. They are widely used to maintain staff and detainee safety and to ensure accountability within the custodial setting.

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Surveillance Use Policy: Use of Internal Video Surveillance Systems Policy 1306

PURPOSE
This policy provides guidance for the use of City of Berkeley internal fixed video and audio security cameras by the Berkeley Police Department.

This policy only applies to fixed, overt, marked external and internal video surveillance systems utilized by the BPD in its facilities. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the BPD. Department personnel shall adhere to the requirements covered in this policy.

This Surveillance Use Policy is legally enforceable pursuant to BMC 2.99.

ACCESS AND USE OF RECORDINGS
Only BPD members who have received training on this policy and have been granted access by an authorized administrator may access security camera data. This data may only be accessed to further a legitimate use purpose, as listed in this Policy.

Recordings may be accessed, reviewed, and used by authorized BPD personnel for specific criminal investigations and administrative purposes, for the following purposes:

a. To enhance security and safety for detainees and staff.
b. To support the enforcement of City and Police Department policies and procedures.
c. To prevent, deter, and identify illegal activity in Berkeley Police Department facilities, including the jail.
d. To document interactions involving City employees, detainees, or other individuals to safeguard all parties and address any potential misconduct.

Unauthorized recording, viewing, reproduction, dissemination, or retention of recorded surveillance footage is strictly prohibited.

PROHIBITED USES OF THE SECURITY SYSTEM
The following uses of the security camera system are strictly prohibited:

a. Unauthorized recording, viewing, reproduction, dissemination, or retention of surveillance footage.
b. Intentional use of cameras to invade individual privacy or to observe areas where a reasonable expectation of privacy exists.
c. Use of cameras in a discriminatory or unequal manner, including targeting individuals based on protected characteristics such as race, ethnicity, national origin, religion, disability, gender, or sexual orientation.
d. Use of cameras to harass, intimidate or discriminate against any individual or group.
e. Sharing of surveillance footage or related data with federal immigration enforcement authorities, in accordance with the Berkeley Police Department's Immigration Law Policy.

DATA COLLECTION
The cameras will film and store video and audio on encrypted servers. License plate and facial recognition data hardware is not installed on the cameras. The cameras and storage devices shall be wholly owned and operated/maintained by the City of Berkeley.

DATA ACCESS
Access to security cameras data shall be limited to authorized BPD personnel for the purposes described in this policy. Technical assistance may be provided by authorized personnel from Public Works Department and Department of Information Technology as necessary. Information may also be shared in accordance with the third-party data sharing provisions outlined below.

BPD members seeking access to the video surveillance system shall obtain the approval of the Support Services Captain, or their designee.

Supervisors should monitor camera access and usage to ensure compliance with this policy, all other applicable department policies, and applicable laws. Supervisors should ensure that all access and use is properly documented.

DATA PROTECTION
All data transferred from the cameras and the servers shall be encrypted. Only authorized BPD personnel shall have access to data for the legitimate uses identified in this policy.

All system access including system log-in, access duration, and data access points is trackable and reportable by the authorized system administrator within the Public Works Department. All relevant recordings that are accessed or utilized will be collected in accordance with BPD Policy 802 (Property and Evidence) and retained pursuant to BPD Policy 804 (Records Maintenance and Release).

CIVIL LIBERTIES AND RIGHTS PROTECTION
The Berkeley Police Department is committed to efficient utilization of its resources and services in its public safety endeavors. The Department also recognizes the need to protect ownership and control over shared information and to protect the privacy and civil liberties of the public, in accordance with federal and state law. Provisions of this policy, including data access, protection, retention, public access, and third-party data sharing serve to protect against any unauthorized use of video and audio security camera data. These procedures ensure that surveillance data is not used in any manner that would violate or infringe upon anyone's civil rights or liberties, including but not limited to actions that may result in disparate or adverse impacts on any communities or groups.

DATA RETENTION
The video and audio security camera system will retain recordings in accordance with our Records Maintenance and Release and Property and Evidence policies. Recordings of incidents involving use of force by a police officer, a detention, arrest, or those relevant to a formal or informal complaint shall be retained for a minimum of two years and one month. Recordings relating to court cases and personnel complaints that are being adjudicated will be manually deleted at the same time other evidence associated with the case is purged in line with Department's evidence retention policy. Recordings associated with administrative or civil proceedings shall be maintained until the matter is fully adjudicated, and then deleted consistent with the Department policy, and any applicable court orders. All other data will be automatically deleted after the retention period by the System Administrator from the Public Works Department.

Any recording identified as evidence in a criminal proceeding shall be copied to an appropriate storage medium and booked into evidence in accordance with current BPD evidence procedures.

PUBLIC ACCESS
Requests for recordings from members of the public or the media shall be processed pursuant to the California Public Records Act and the Records Maintenance and Release policy.

Recordings that are the subject of a court order or subpoena shall be processed in accordance with the Records Maintenance and Release policy and any applicable legal requirements.

THIRD-PARTY DATA-SHARING
Requests for recordings from other law enforcement agencies shall be referred to the Support Services Captain or their designee and may only be released if they serve a legitimate California law enforcement purpose.

Data collected from the security camera system may be shared with:

- The District Attorney's Office for use as evidence in accordance with law governing criminal prosecution, in accordance with laws governing evidence;
- Other law enforcement personnel actively engaged in an active criminal investigation;
- Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

TRAINING
All department members authorized to operate or access the security camera system shall receive appropriate training. Training should include guidance on the use of cameras, associated software, review of this and other relevant BPD policies and procedures, Applicable federal and state laws regarding the use of video surveillance and privacy protections.

AUDITING AND OVERSIGHT
The security camera system software generates a site log each time the system is accessed. The site log is broken down by server, device, user or general access. The site log is kept on the server for two years and is exportable for reporting purposes. System audits will be conducted by the Office of Strategic Planning and Accountability on a regular basis.

BPD will enforce against prohibited uses of this policy pursuant to the Personnel Complaints policy or other applicable law or policy.

The audit shall be documented in the form of an internal memorandum to the Chief of Police. The memorandum shall include any data inconsistencies or errors found and outline corrective actions taken. After review by the Chief of Police and/or their designee, the memorandum and any associated documentation shall be placed into the Department’s annual report submitted to the City Council in compliance with BMC Section 2.99.020(2), published on the City of Berkeley website, and retained within the Office of Strategic Planning and Accountability.

MAINTENANCE
It shall be the responsibility of the Public Works Department to facilitate and coordinate any updates and required maintenance to ensure continued operation and compliance with this policy.

Off Agenda Item 1

Legislative Updates Relevant to the PAB's Work

Public

MEMORANDUM

Date: June 19, 2025
To: Honorable Members of the Police Accountability Board
From: Hansel Aguilar, Director of Police Accountability
Jose Murillo, ODPA Policy Analyst
Subject: Legislative Updates

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

State Legislative Updates[1]

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

NAME OF LEGISLATION	STATUS	SUMMARY/PURPOSE
SB 385 "Peace Officers"	*(Engrossed) 2025-06-17 - From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 9. Noes 0.) (June 17). Re-referred to Com. on APPR.*	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.

[1] https://post.ca.gov/Status-of-Current-Legislation

AB1178 "Peace Officers: Confidentiality of Records"	*(Engrossed) 2025-06-11 - Read second time and amended. Re-referred to Com. on APPR.*	This bill expands redaction requirements under the California Public Records Act, requiring law enforcement agencies to remove identifying details of undercover officers, task force members, and those with verified death threats. It imposes a state-mandated local program and includes legislative findings justifying access limitations.
SB707 "Open Meetings: Meeting and teleconference requirements"	*(Engrossed) 2025-06-09 - Referred to Com. on L. GOV.*	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.
SB-627 "Law enforcement: masks."	*From committee with author's amendments. Read second time and amended. Re-referred to Com. on L. GOV.*	SB 627 would make it a misdemeanor for law enforcement officers to wear masks or personal disguises while interacting with the public, with certain exceptions, and expresses intent to allow protective gear for SWAT officers and require visible identification on uniforms.

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

The BPD's Policy and Training Bureau prepared a legislative update summarizing legal changes affecting law enforcement in 2024 and 2025. Based on the California Peace Officers' Association's 2024 and 2025 Legislative Update Manual, it highlights key updates from both years but does not cover every legislative change. Unless otherwise noted, the changes outlined in the updates took affect January 1, 2024 or January 1, 2025. The following BPD Policies include the legislative updates:

SOURCE	LINK
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 June 11, 2025.

City of Berkeley Council Meeting Updates

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

June 24, 2025 – Regular Meeting of the City Council

ITEM	DESCRIPTION	RECOMMENDATION
24	Fiscal Year 2026 Proposed Budget Update Adoption	Conduct a public hearing and upon conclusion adopt a Resolution adopting the FY 2026 Proposed Budget Update ("FY 26 Proposed Budget") as presented to Council on May 20, 2025, and as amended by subsequent Council action.
25	Fiscal Year 2026 Mid-Biennial Budget Update	Adopt first reading of an Ordinance adopting the FY 2026 Annual Appropriations Ordinance (AAO) in the amount of $781,761,995 (gross appropriations) and $670,920,315 (net appropriations).

Off Agenda Item 2

Policy Review Status Updates

Updated June 19, 2025

POLICY REVIEW STATUS REPORT

Guiding Authority

Section 125(3)(a)(1) and Section 125(17)(a) of the Berkeley City Charter[1]

Case Load Overview

As of June 19, 2025, the Police Accountability Board (PAB) has 13 open policy reviews. There has been three (3) new policy review submitted to the PAB since the last meeting on June 11, 2025.

Note: ODPA staff is evaluating expected completion timelines in line with PAB priorities for 2025. Additionally, staff is reviewing 2025 legislative updates for alignment and their impacts on the open policy reviews.

Policy Review Number	2487
Policy Topic	Involuntary Injections/Medical Care
Relevant Policy	BPD 431 “Medical Aid and Response”
Status	Records Obtained; Review in Progress
Date Presented to the PAB	1/12/2022
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA
Summary	
A personnel complaint alleging improper force by officers, resulting in minor injuries, led to a policy review initiated by the PAB at ODPA's request. Despite the personnel complaint being closed due to the complainant's non-cooperation, the review proceeded after body-worn camera footage suggested an officer directed paramedics to inject a substance into the complainant.	

[1] Berkeley City Charter: https://berkeley.municipal.codes/Charter/125

Activity Report
Evaluating for potential referrals to subcommittee or PAB members.

Policy Review Number	2488
Policy Topic	Standards of Use of Force During an Arrest
Relevant Policy	BPD Policy 300 “Use of Force”
Status	Records Obtained; Review in Progress
Date Presented to the PAB	1/31/2024
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA
Summary	
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 June 19, 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.

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	

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	
ODPA is finalizing the report for presentation to the PAB.	

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	
ODPA is finalizing the report for presentation to the PAB.	

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

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

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

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

Assigned To	ODPA
Summary	
The ODPA received a complaint regarding BPD's inability to provide past officer rosters in response to a PRA request, as the records are no longer maintained. The complainant recommended that BPD adopt a policy to retain and provide such rosters upon request.	
Activity Report	
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.	

Off Agenda Item 3

List of Pending PAB Request

MEMORANDUM

Date:	Thursday, June 19, 2025
To:	Honorable Members Police Accountability Board (PAB)
From:	Hansel Aguilar, Director of Police Accountability (DPA) Jose Murillo, ODPA Policy Analyst Syed Mehdi, ODPA Data Analyst
Subject:	Summary of PAB Requests (October 2024 - June 2025)

This memorandum summarizes thirteen requests which remain active made by the Police Accountability Board (PAB) during fourteen meetings held between October 9, 2024, and June 11, 2025. The distribution of requests by stakeholder is as follows: 11 requests were directed to the Office of the Director of Police Accountability (ODPA), 3 to the Berkeley Police Department (BPD), 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.

PAB Requests (Oct 2024 - April 2025)

Number	Meeting Date/Link	Request to	Request (Time Stamp)	Status/Note
1	**1/8/2025 PAB Regular Meeting Recording:** https://youtu.be/56WiTDQB_jo?si=Go90zuEmVgEhNRjH **1/8/2025 PAB Regular Meeting Minutes:** https://berkeleyca.gov/sites/default/files/legislative-body-meeting-	ODPA/ BPD	The PAB requested that staff collaborate with the Berkeley Police Department prior to establishing a public-facing webpage containing information on Restraining Orders and related resources. **(1:20:33 - 1:21:30)**	Open - This request is still active.

	minutes/Final%202025-01-08%20Regular%20MeetingMinutes.pdf			
2	**1/8/2025 PAB Regular Meeting Recording:** https://youtu.be/56WiTDQB_jo?si=Go90zuEmVgEhNRjH **1/8/2025 PAB Regular Meeting Minutes:** https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%202025-01-08%20Regular%20MeetingMinutes.pdf	ODPA	The PAB requested a document compiling all recommendations that have been made to the BPD. **(48:02 - 49:00)**	Open - This request is still active.
3	**2/1/2025 PAB Special Meeting Recording**: https://youtu.be/dIXg3dnH77w?si=DLau_Phk4WpmJsVW **2/1/2025 PAB Special Meeting Minutes**: https://berkeleyca.gov/sites/default/files/legislativ	ODPA	The PAB requested that staff track the number of outstanding requests to the City Attorney's Office and report back to the Board and/or include the information in the annual report. **(1:52:46 – 1:53:25)**	Open - This request is still active.

	e-body-meeting-minutes/2025-02-01%20Special%20Meeting%20Minutes.pdf			
4	**2/19/2025 PAB Regular Meeting Recording:** https://youtu.be/9jOYSyLtZc0?si=JtMEtoSvHbkYpDWL **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	ODPA	The PAB requested that staff explore whether other agencies have comparable policies on conflicts of interest when officers are responding to calls made by a party who has filed a complaint against them. **(1:11:30 - 1:12:08)**	Open – In relation to 2025-PR-0001 This request is still active because the Board requested this as part of the policy review.
5	**2/19/2025 PAB Regular Meeting Recording:** https://youtu.be/9jOYSyLtZc0?si=JtMEtoSvHbkYpDWL **2/19/2025 PAB Regular Meeting Minutes:** https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-	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.

	02-19%20Regular%20Meeting%20Minutes.v2.pdf			
6	**4/9/2025 PAB Regular Meeting Recording:** https://youtu.be/HNdbV36FvB4?si=YBOS2cmP9auaS2Rg **4/9/2025 PAB Regular Meeting Minutes:** https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-04-09%20Regular%20Meeting%20MinutesFinal.pdf	ODPA; BPD	The PAB requested that the Chair, Police Chief, and Director of Police Accountability collaborate to consolidate all Fair and Impartial Policing (FIP) data into a single document. **(1:08:55 - 1:10:15)**	Open- This request is still active. There are multiple steps to the request, and, as highlighted in section 10.d.ii of the 4/23/25 PAB Regular meeting agenda packet, a joint letter from Chair Cayetano and Chief Louis was sent to Berkeley City Council Public Safety Committee. **Joint Letter Link:** https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-04-17%20PAB%20Regular%20Meeting%20Packet.pdf#page=73
7	**5/07/2025 PAB Regular Meeting Recording:** https://www.youtube.com/watch?v=pL5VhNQDU60 **5/07/2025 PAB Regular Meeting Draft Minutes:** https://berkeleyca.gov/sites/default/files/legislative-body-meeting-	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.	Open – This request is still active **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

	minutes/DRAFT%202025-05-07%20Regular%20Meeting%20Minutes.v2.pdf		**(22:19 – 24:41)**	
8	**5/07/2025 PAB Regular Meeting Recording:** https://www.youtube.com/watch?v=pL5VhNQDU60 **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	ODPA	The PAB requests that the ODPA bring an overview of staff workload. **(40:29-40:47)**	Open – This request is still active.
9	**5/07/2025 PAB Regular Meeting Recording:** https://www.youtube.com/watch?v=pL5VhNQDU60 **5/07/2025 PAB Regular Meeting Draft Minutes:** https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-05-	ODPA	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 **(51:18-51:58)**	Open – This request is still active. 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: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-05-07%20PAB%20Regular%20Meeting%20Packet_Final.v3.pdf#page=18

	07%20Regular%20Meeting%20Minutes.v2.pdf			
10	**5/21/2025 PAB Regular Meeting Recording:** https://www.youtube.com/watch?v=mFBeoH6IXWI **5/21/2025 PAB Regular Meeting Draft Minutes:** https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT2025-05-21Regular Meeting Minutes_Updated.pdf	ODPA	The PAB requests that ODPA staff look into department retention schedules of nearby jurisdictions, what NACOLE recommendations constitute. **(1:37:21-1:37:54)**	Open – This request is still active.
11	**6/11/2025 PAB Regular Meeting Recording:** https://youtu.be/CxY0KXhZVvk?si=8Fs4ENY5h7jFYR4O **6/11/2025 PAB Regular Meeting Draft Minutes:** https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFTJune 11 2025 PAB Reg	ODPA, BPD	The PAB requests that the Director, in collaboration with the Chair and Vice Chair, work with the BPD to develop a joint recommendation aimed at eliminating duplicative reporting requirements already addressed by state law (AB 481), while preserving key elements of City ordinance 2.100.050 that provide for oversight. The joint recommendation should be brought back to the full Board prior to the Public	Open – This request is still active. **Link to BMC 2.100.050**: https://berkeley.municipal.codes/BMC/2.100.050 **Link to AB 481**: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB481

	Meeting Minutes.pdf		Safety Policy Committee's July meeting. **(2:32:52 – 2:38:07)**	
12	**6/11/2025 PAB Regular Meeting Recording:** https://youtu.be/CxY0KXhZVvk?si=8Fs4ENY5h7jFYR4O **6/11/2025 PAB Regular Meeting Draft Minutes:** https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT June 11 2025 PAB Reg Meeting Minutes.pdf	ODPA	The PAB requested that ODPA update the draft letter by adding a key point noting the lack of MOU review since 2018, to be included as an additional sentence at the end of the third paragraph. Once updated, the letter should be finalized and submitted to City Council. **(3:07:16 – 3:09:30)**	Open – The PAB have approved the letter, updates have to implemented and then forward to City Council. **Link to BMC 2.04.190:** https://berkeley.municipal.codes/BMC/2.04.190 **Link to Draft Letter:** https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-06-11 PAB Regular Meeting Packet.v1.pdf%23page=110
13	**6/11/2025 PAB Regular Meeting Recording:** https://youtu.be/CxY0KXhZVvk?si=8Fs4ENY5h7jFYR4O **6/11/2025 PAB Regular Meeting Draft Minutes:** https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT June 11 2025	ODPA	The PAB requested that ODPA set up and inform community members of a drop box where community members can upload any relevant materials related to the June 4 Harrison Street incident.	Open – Community Members were emailed a drop box link to upload any relevant materials. **Link to Dropbox:** https://www.dropbox.com/request/qpPonqPrCTVcFvjSo8VG

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