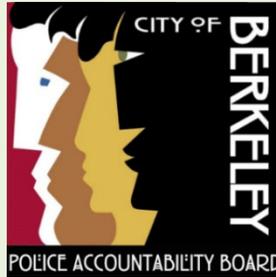


Page numbers for this agenda packet are marked in **blue** to distinguish them from the numbering within individual documents.



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA PACKET
July 9, 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

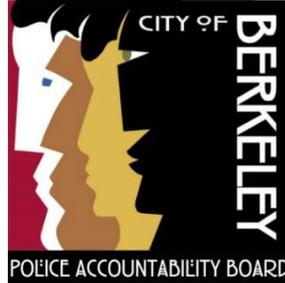
MEETING LOCATION

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

Item	Description	Page
2	July 9, 2025 PAB Regular Meeting Agenda	1
4	Minutes for the Regular Meeting of June 25, 2025	7
5	ODPA Event Flyer	14
8	PAB Subcommittee List	16
9.a.	ODPA Memorandum Titled “Policy Review Assessment”	19
9.b.	ODPA Memorandum Titled “PAB Subcommittee Review Assessment”	23
9.c.	ODPA Preliminary Report for Policy Complaint 2025-PR-0003 with Updated Recommendation	28
Off Agenda Reports & Correspondences		
1	Legislative Updates Relevant to the PAB’s Work	49
2	Policy Review Status Updates	55
3	List of Pending PAB Request	64

Item 2

July 9, 2025 PAB Regular Meeting Agenda



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

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

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 25, 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 (2 HOURS 15 MINUTES)

- a. Discussion and action on the ODPAs workload and staffing capacity assessment (ODPA) – (20 Minutes)
 - i. Policy Triage, Referrals, and Dispositions (Resource Allocation Proposal)
 - ii. Personnel Triage, Referrals, and Dispositions (Resource Allocation Proposal)¹
- b. Discussion and action regarding the evaluation of PAB subcommittees' capacity and the prioritization of their assignments in consideration of staffing constraints within the ODPAs (Wells) – (20 Minutes)
- c. 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 (Continued) (ODPA) – (15 Minutes)
 - i. Preliminary Review Report
 - ii. Complainant's Statement
 - iii. Public Comment
 - iv. BPD Statement
- d. Discussion and action on the proposed rescission of the Police Equipment and Community Safety Ordinance (Continued) (ODPA) – (20 Minutes)
- e. Discussion and action regarding the proposed response to the 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 the 2024 PAB-ODPA Annual Report (ODPA) – (30 Minutes)
- g. Discussion and action regarding Fiscal Year 2026 – 2028 budget cycle oversight and community engagement (Cayetano) – (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.

¹ Specific case matter will not be discussed.

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 ODPAs:
- | | |
|--------------------|---------------------|
| i. 2023-CI-0016 | xii. 2025-CI-0010 |
| ii. 2024-CI-0003 | xiii. 2025-CI-0013 |
| iii. 2024-CI-0004 | xiv. 2025-CI-0014 |
| iv. 2024-CI-0009 | xv. 2025-CI-0015 |
| v. 2024-CI-0025 | xvi. 2025-CI-0016 |
| vi. 2025-CI-0002 | xvii. 2025-CI-0017 |
| vii. 2025-CI-0003 | xviii. 2025-CI-0018 |
| viii. 2025-CI-0006 | xix. 2025-CI-0019 |
| ix. 2025-CI-0007 | xx. 2025-CI-0020 |
| x. 2025-CI-0008 | xxi. 2025-CI-0021 |
| xi. 2025-CI-0009 | |

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

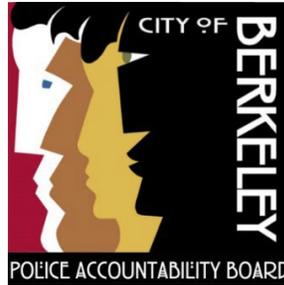
TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955

Website: <https://berkeleyca.gov/dpa>

Email: dpa@berkeleyca.gov

Item 4

Minutes for the Regular Meeting of June 25, 2025



POLICE ACCOUNTABILITY BOARD
REGULAR MEETING MINUTES

WEDNESDAY, JUNE 25, 2025
6:30 P.M.

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

MINUTES

1. CALL TO ORDER AND ROLL CALL AT 6:30 PM

Present: Board Member Joshua Cayetano (Chair)
Board Member Leah Wilson (Vice Chair)¹
Board Member Buswell-Charkow
Board Member Kitty Calavita
Board Member Macharia Edmonds
Board Member Juliet Leftwich
Board Member Randy Wells
Board Member David Williams

Absent: None.

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

¹ Board Member Wilson participated remotely due to her engagement in official business on behalf of another state agency, which constitutes a qualifying circumstance for remote participation under the "just cause" provision. She joined the meeting at 8:05 PM and was in attendance for more than half of the meeting's duration.

BPD Staff: Daniel Weinberg, Investigative Clerk
 Mina Fitzpatrick, YouthWorks Intern
 Dunia Ghafori, YouthWorks Intern
 Jannat Khan, YouthWorks Intern
 Zaniya Lauderdale, YouthWorks Intern
 Deputy Chief Tate
 Lieutenant Rego

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Leftwich/Williams) Motion carried.

Ayes: Buswell-Charkow, Calavita, Cayetano, Edmonds, Leftwich, Wells, and Williams.

Noes: None. Abstain: None. Absent: Wilson.

3. PUBLIC COMMENT

2 Physically Present Speakers

3 Virtually Present Speakers

4. APPROVAL OF MINUTES

- a. Minutes for the Regular Meeting of June 11, 2025

Motion to approve the minutes for the Regular Meeting of June 11, 2025

Moved/Second (Calavita/Leftwich) Motion carried.

Ayes: Buswell-Charkow, Calavita, Cayetano, Edmonds, Leftwich, Wells, and Williams.

Noes: None. Abstain: None. Absent: Wilson.

5. ODPA STAFF REPORT

Director Aguilar reported that the ODPA was assigned five interns through Youthworks² for the summer, and the interns introduced themselves to the PAB. He provided further updates regarding his meeting with Deputy Chief Tate, during which they discussed the transmittal of policy recommendations and expectations for response timelines. Additionally, Director Aguilar noted his meeting with Arlo Malmberg, the BPD's Strategic Planning and Accountability Manager, to discuss the consolidation of the Controlled Equipment and Military Equipment reports. Lastly, he updated the PAB on the ODPA's revised budget, including the freezing of one investigator position and one associate management analyst position.

6. CHAIR AND BOARD MEMBERS' REPORTS

The Chair welcomed the newest Board Member, Buswell-Charkow, and reminded all Board Members of the mandatory training requirements for PAB membership. The Chair reported that he held meetings with the Mayor's Office regarding surveillance technology matters.

² Youthworks provides part-time paid internships for Berkeley youth ages 14–25, offering work experience, training, and professional development opportunities. For more information, please visit:

<https://berkeleyca.gov/community-recreation/community-services/youthworks>

Additionally, the Chair and Board Member Leftwich are scheduled to meet with the City Manager on Thursday, June 26. The Chair also engaged with the Chief and Deputy Chief concerning issues related to the sanctuary city policy.

7. CHIEF OF POLICE'S REPORT

Deputy Chief Tate provided updates on cases of interest and recent events, including the Juneteenth festival held on June 15th. She emphasized BPD's commitment to proactive crime prevention. Deputy Chief Tate also reported on staffing challenges due to the City Council-approved hiring freeze. She noted that the equipment report will be distributed by the end of the week, and the MOU compendium is finalized and ready for release. Additionally, she articulated BPD's position on MOUs related to immigration, highlighting the prohibitions in place that safeguard the community.

8. SUBCOMMITTEE REPORTS

The PAB's subcommittees reported on their activities since the last PAB meeting on June 11, 2025.

9. DISCUSSION AND ACTION ITEMS

- 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)
 - i. Preliminary Review Report
 - ii. Complainant's Statement
 - iii. Public Comment
 - iv. BPD Statement

The PAB received a preliminary review report from the ODPa and a statement from the complainant, with no additional public comments offered. The BPD provided information regarding the reporting procedures for traffic collisions involving pedestrians. The PAB then deliberated on the appropriate next steps.

Motion to defer acceptance pending the ODPa's current workload assessment of pending policy reviews.

Moved/Second (Leftwich/Edmonds) Motion carried.

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

Noes: Buswell-Charkow and Wells. Abstain: None. Absent: Wilson.

- 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)
 - i. Preliminary Review Report
 - ii. Complainant's Statement
 - iii. Public Comment
 - iv. BPD Statement
 - v. Review of Select Footage

The PAB received a preliminary review report from the ODPa and a statement from the complainant, with 3 speakers providing public comments (1 physically present and 2 virtually present). The PAB deliberated on the scope of the review.

Motion to accept Policy Complaint 2025-PR-0004 and assign the review to Board Member Calavita

Moved/Second (Calavita/Wells) Motion carried.

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

Noes: Buswell-Charkow. Abstain: None. Absent: Wilson.

- 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)
 - i. Preliminary Review Report
 - ii. Complainant's Statement
 - iii. Public Comment
 - iv. BPD Statement
 - v. Review of Select Footage

The PAB received a preliminary review report from the ODPa and a statement from the complainant, with 3 speakers providing public comments (1 physically present and 2 virtually present). The PAB watched videos provided by community members and deliberated on the scope of the review.

Motion to accept Policy Complaint 2025-PR-0005 and to establish a subcommittee consisting of Chair Cayetano, Vice-Chair Wilson, and Board Member Wells to conduct a review of encampment clearances and the specific incidents noted in ODPa Policy Complaint Numbers 2025-PR-0004 and 2025-PR-0005.

Moved/Second (Cayetano/Calavita) Motion carried.

Ayes: Buswell-Charkow, Calavita, Cayetano, Edmonds, Leftwich, Wells, Williams and Wilson.

Noes: None. Abstain: None. Absent: None.

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

No formal action is taken by the PAB. Director Aguilar summarizes his meeting with Arlo Malmberg from the BPD regarding the Controlled Equipment Report and the Military Equipment report. The PAB discussed next steps.

- 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)

The ODPA provides an overview of the BPD's Surveillance Acquisition Report for External Fixed Surveillance Cameras.

Motion to direct the ODPA to draft a recommendation on the acquisition report for the PAB's consideration at the next meeting.

Moved/Second (Edmonds/Wells) Motion carried.

Ayes: Buswell-Charkow, Calavita, Cayetano, Edmonds, Leftwich, Wells, Williams and Wilson.

Noes: None. Abstain: None. Absent: None.

- 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)

The ODPA provides an overview of the BPD's Surveillance Acquisition Report and the proposed Use Policies for the replacement of the Jail's Cameras and Control Panel. No action is taken by the PAB.

10. PUBLIC COMMENT

0 Physically Present Speakers

0 Virtually Present Speakers

11. CLOSED SESSION**CLOSED SESSION ITEMS**

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

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

Director Aguilar provides case updates to the PAB.

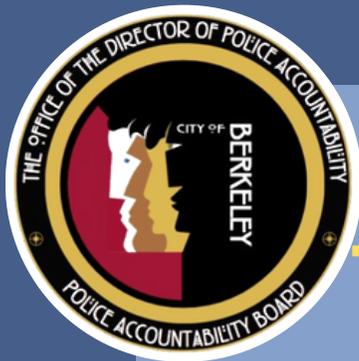
END OF CLOSED SESSION**12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS (1 MINUTE)**

Chair Cayetano announces the closed session actions.

13. ADJOURNMENT (1 MINUTE)

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

Item 5
ODPA Event Flyer



SCENARIO-BASED TRAINING SIMULATION

HOSTED BY THE ODPa

JULY 19, 1:00-3:00 PM

JULY 21, 6:30-8:30 PM

JULY 30, 6:30-8:30 PM

**EVENT LOCATION:
1900 ADDISON ST. - 3RD FLOOR**



**SCAN TO RSVP
OR CONTACT THE OFFICE
USING THE INFO BELOW**

EVENT INFORMATION

Join the Office of the Director of Police Accountability (ODPA) for a live demonstration of VirTra!

What is VirTra? VirTra is a state-of-the-art simulation system that:

- Prepares officers for real-world incidents
- Uses real-life scenarios to test and train officer judgment
- Ensures law enforcement receives comprehensive, high-quality training
- Is designed so officers make mistakes in simulation, not in the field

This demonstration will show how VirTra will be integrated into ODPA's training and community outreach programs. Come learn how this innovative technology supports both accountability and public safety.

For more information about VirTra, visit: www.virtra.com

Promoting public trust through independent, objective, civilian oversight of the Berkeley Police Department



dpa@berkeleyca.gov



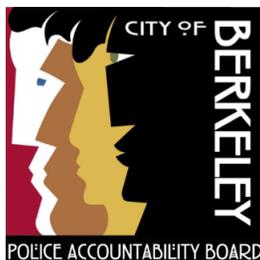
510-981-4950



<https://berkeleyca.gov/dpa>

Item 8
PAB Subcommittee List

Updated on 7/3/2025



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 7/3/2025

Arrest Quota Prohibition Formed 5-21-2025	Edmonds Wells	TBD	TBD
Policies and Practices on Encampment Clearances Former 6-25-2025	Cayetano Wells Wilson	TBD	TBD

LIAISON LIST²

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

POLICY COMPLAINTS ASSIGNED TO INDIVIDUAL BOARD MEMBERS³

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

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.

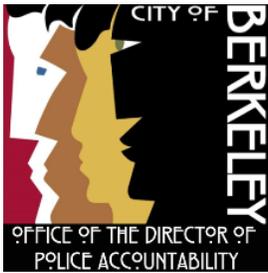
³ This list does not include policy complaints that were originally assigned to an individual Board Member but later assigned to a subcommittee.

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 Memorandum Titled "Policy Review Assessment"



MEMORANDUM

Date: July 3, 2025
 To: Honorable Members of the Police Accountability Board (PAB)
 From: Hansel A. Aguilar, Director of Police Accountability (DPA) *[Signature]*
 Jose D. Murillo, ODPA Policy Analyst *[Signature]*
 Subject: Policy Review Assessment

This memorandum is submitted to apprise the PAB of the Office of the Director of Police Accountability's (ODPA) assessment of outstanding policy reviews and to offer a recommendation regarding which reviews should be prioritized, deferred, or closed in accordance with current staffing capacity and resource constraints. Through this memorandum, the ODPA proposes that six policy reviews remain active, while recommending the temporary suspension or closure of seven others.

Background:

On June 24, 2025, the Berkeley City Council adopted a supplemental budget with a hiring freeze affecting ODPA's staffing and operational resources.¹ With key analyst and administrative roles frozen, ODPA is unable to meaningfully support the full policy review caseload.

While policy reviews are not subject to the same administrative closure procedures as personnel complaints under the Interim Regulations, Charter Sections 125(3)(a)(1)² and 125(17)(a)³ require the Director to carry out the work of the Board. In light of staffing

¹ June 24, 2025 Regular Meeting of the Berkeley City Council, Item 24 "FY 2026 Proposed Budget Update Adoption:" <https://berkeleyca.gov/sites/default/files/city-council-meetings/2025-06-24%20Annotated%20Agenda%20-%20Council.pdf#Page=14>

² Berkeley City Charter Section 125(3)(a)(1): [https://berkeley.municipal.codes/Charter/125\(3\)\(a\)\(1\)](https://berkeley.municipal.codes/Charter/125(3)(a)(1))

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

constraints, this necessitates triage and temporary suspension of reviews not currently close to completion or no longer viable.

Policy Reviews Recommended to Remain Active

The ODPa recommends that the following policy reviews remain active based on one or more of the following considerations: (a) they are approaching key deliverables, (b) they address matters of high policy significance, or (c) substantial community engagement has already been completed or initiated:

Policy Review No.	Topic	Reason
2023-PR-0007	Restraining Orders and Interactions with Elder Adults	Focus group activities have been completed. The target for final deliverables is March 2025, with substantial progress already achieved.
2023-PR-0008	Off-Duty Conduct	A subcommittee has been assigned to this review. The topic remains a policy priority, particularly in light of current staffing constraints.
2024-PR-0003	Computer Voice Stress Analyzers (CVSA)	The final report is in the process of being finalized for submission to the PAB at its September 3, 2025.
2024-PR-0004	Artificial Intelligence (AI) Assisted Report Writing	A final report is currently being prepared for presentation to the Police Accountability Board (PAB).
2024-PR-0008	Records Retention	This review has been identified as a priority area due to its significant implications for transparency and accountability.
2025-PR-0001	Complaint Subject Officer Contact Protocols (Anti-Retaliation)	This review is of high relevance to retaliation prevention efforts, with active policy development currently in progress.

Policy Reviews Recommended for Suspension

The following reviews are recommended for temporary suspension due to one or more of the following factors: they remain in preliminary stages, lack a clear project timeline, or have become impracticable as a result of external programmatic developments:

Policy Review No.	Topic	Reason
2487	Involuntary Injections / Medical Care	Remains in preliminary stages; lack a clear projected timeline.
2488	Use of Force During Arrest	Remains in preliminary stages; lack a clear projected timeline.

17	Mental Health Response Use of Force	Remains in preliminary stages; lack a clear projected timeline.
2023-PR-0006	Parking Enforcement Practices	Remains in preliminary stages; lack a clear projected timeline.
2023-PR-0009	Use of Force – Handcuffing	Remains in preliminary stages; lack a clear projected timeline.
2024-PR-0005	Downtown Ambassador Program	Remains in preliminary stages; lack a clear projected timeline.
2024-PR-0006	Specialized Care Unit	Impracticable as a result of external programmatic developments

Recommendation

The ODPa recommends that the Board closes with a majority vote of the seven policy reviews listed above as permitted by Section G.3.b. of the PAB’s Standing Rules.⁴ This action will enable the ODPa to focus its limited resources on reviews that have immediate public impact, are significantly advanced, or involve unresolved legal considerations.

Alternative Recommendations

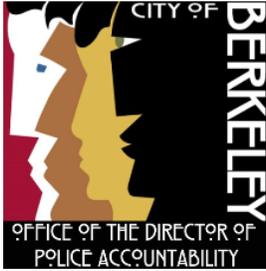
While the PAB’s standing rules do not explicitly outline the following options, the PAB may, by majority vote, adopt these alternative recommendations in lieu of closing the identified policy reviews:

1. Defer the policy review and place it in inactive status, with the option to revisit and resume work when staffing levels or resources improve.
2. Maintain the policy review in suspended status, with the potential for reactivation if future complaints or reviews involving overlapping subject matter are received.
3. Direct ODPa to prioritize the policy review despite resource constraints, recognizing that this may delay other assignments.

⁴ PAB Standing Rules Section G.3.b.: https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf#Page=3

Item 9.b.

ODPA Memorandum Titled "PAB Subcommittee Review Assessment"



MEMORANDUM

Date: July 3, 2025
 To: Honorable Members of the Police Accountability Board (PAB)
 From: Hansel A. Aguilar, Director of Police Accountability (DPA) *HAA*
 Jose D. Murillo, ODPa Policy Analyst *JM*
 Subject: PAB Subcommittee Review Assessment

This memorandum is submitted to inform the PAB of the Office of the Director of Police Accountability's (ODPA) assessment regarding the current workload of PAB subcommittees.

Background:

The PAB, under its authority set by Charter Section 125(13)(d), has the authority to "establish policy subcommittees that it deems necessary to carry out its functions."¹ Subcommittees have historically depended on the support of ODPA staff and members of the public to support them in their work. As of the date of this memorandum, the PAB is near full capacity, with eight of nine seats filled, and currently maintains seven active subcommittees.

On June 24, 2025, the Berkeley City Council adopted a supplemental budget with a hiring freeze affecting ODPA's staffing and operational resources.² With key analyst and administrative roles frozen, ODPA's capacity to support the PAB's subcommittees has been limited.

Subcommittees Recommended to Remain Active

The Office of the Director of Police Accountability (ODPA) recommends that the following subcommittees remain active due to one or more of the following reasons:

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

² June 24, 2025 Regular Meeting of the Berkeley City Council, Item 24 "FY 2026 Proposed Budget Update Adoption:" <https://berkeleyca.gov/sites/default/files/city-council-meetings/2025-06-24%20Annotated%20Agenda%20-%20Council.pdf#Page=14>

1. They are nearing key deliverables.
2. They address issues of significant policy importance.
3. There is considerable public interest in the subcommittee's area of focus.

Subcommittee	PAB Members	Topic	Reason
Regulations	Calavita Leftwich	Serve as the PAB liaison in the meet-and-confer process for complaint investigation regulations.	Subcommittee is approaching key deliverables
Policy Reviews	Leftwich Cayetano	Review BPD policies and practices, including those related to vehicle pursuits, off-duty conduct, and body-worn cameras.	Subcommittee addresses matters of high policy significance
Metrics & Operations	Wilson Wells	Focuses on developing or updating the PAB's metrics and operational guidelines to support effective oversight and accountability.	The subcommittee is nearing key deliverables and requires ongoing updates and reviews.
Outreach & Engagement	Cayetano Wells	Focuses on outreach strategy, community engagement, PAB awareness, and processing commendations.	The subcommittee is nearing key deliverables and requires ongoing updates and reviews.
Arrest Quota Prohibition	Edmonds Wells	Focused on the drafting of a proposed arrest quota policy based on the PAB's recommendations in its Downtown Task Force and Bike Unit Allegations Report.	Subcommittee addresses matters of high policy significance
Policies & Practices on Encampment Clearances	Cayetano Wells Wilson	Focuses on BPD policies for encampment clearances and the June 4th 8th & Harrison incident review.	Subcommittee addresses matters of high policy significance; There is considerable public

			interest in the subcommittee’s area of focus.
--	--	--	---

Subcommittees Recommended for Suspension

The following subcommittee(s) are recommended for suspension due to one or more of the following factors:

1. The subcommittee has not yet initiated its work or remains in the preliminary stages of development.
2. The subject matter of the subcommittee does not constitute an urgent policy concern.
3. The subcommittee's efforts do not currently follow a defined project timeline.

Subcommittee	Members	Topic	Reason
BPD Policies 1010 & 1034 Review	Williams	Review of BPD Policy 1010 “Personnel Complaints” and Policy 1034 “Complaint Review Board”	The subcommittee has not yet initiated its work or remains in the preliminary stages of development. The subject matter of the subcommittee does not constitute an urgent policy concern.

Recommendation

The PAB should renew and extend the operational period for the six subcommittees the ODPa recommends remain open, and close the one recommended for closure.

With recent appointments increasing the total PAB membership to eight, the Board has the opportunity to allocate additional members to its subcommittees. Since a quorum requires five members, subcommittees can include up to four members each without risking quorum issues during meetings. However, we recommend limiting subcommittee membership to three members to provide flexibility, maintain effective participation, and ensure continuity in the event a member leaves the Board.

The PAB may also consider reopening recruitment for public members to serve as non-voting participants on subcommittees where appropriate, in line with Section J of the

PAB's standing rules.³ Currently, the Regulations and Policy Reviews subcommittees each have a public member.

³ Police Accountability Board Standing Rules Section J: https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf#Page=4

Item 9.c.

ODPA Preliminary Report for Policy Complaint 2025-PR-0003 with
Updated Recommendation



MEMORANDUM

Date: July 3, 2025

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

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

Subject: [UPDATED RECCOMENDATION] 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 This policy complaint was initially presented as Item 9.a at the PAB's Regular Meeting on June 25, 2025.² A decision on whether to accept or reject the complaint was deferred, pending a workload assessment by the Office of the Director of Police Accountability (ODPA), which is scheduled to be presented at the PAB's July 9, 2025 meeting.

Background:

On June 9, 2025, the 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

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 June 25, 2025 PAB Regular Meeting Agenda Packet, Item 9.a.:

https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-06-25%20PAB%20Regular%20Meeting%20Packet_initialed.pdf#Page=18

collision factor was identified as a violation of Vehicle Code 21950(a) — failure to yield to a pedestrian in a crosswalk.³

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)*,⁴ 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, ODP staff was not able to confirm the omission 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."⁵

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

³ Berkeley Police Department Collision Dashboard: <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/01356cd9e87b410e9526dc624a608760>

⁴ 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

⁵ Berkeley City Charter Section 125(17)(a): [https://berkeley.municipal.codes/Charter/125\(17\)\(a\)](https://berkeley.municipal.codes/Charter/125(17)(a))

- **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.
 - 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 action⁶, 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:

In accordance with the PAB’s direction during its June 25, 2025⁷ meeting to conduct a workload assessment of pending policy complaints, and in conjunction with the ODPa’s submitted workload assessments (Item 9.a – Policy Review Assessment and Item 9.b – Subcommittee Review Assessment), ODPa recommends that the Board not proceed with accepting Policy Complaint 2025-PR-0003 due to current resource

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

⁷ June 25, 2025 PAB Meeting: https://youtu.be/tJ2ZikXAslk?si=-W18KHnhuornT_la

limitations. However, if additional community concerns emerge related to the broader issues raised in this policy complaint and the PAB initiates a review, this complaint should be considered as part of that review.

Attachments:

1. Policy Complaint 2025-PR-0003
2. BPD Policy 323 "Report Preparation"
3. BPD Policy 501 "Motor Vehicle Collision Investigations"

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

Report Preparation

323.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

323.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

323.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

323.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-Felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 1. Use of Force Policy
 2. Domestic Violence Policy

Berkeley Police Department

Law Enforcement Services Manual

Report Preparation

3. Child Abuse Policy
 4. Senior and Disability Victimization Policy
 5. Hate Crimes Policy
 6. Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report - members should explain the report process to the victim but shall not dissuade the victim from making a police report.

323.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Anytime an officer points a firearm at any person
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (e) Any found property or found evidence
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

323.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.

Berkeley Police Department

Law Enforcement Services Manual

Report Preparation

- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

323.2.4 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of drug overdose
- (b) Attempted suicide
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

323.2.5 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Management shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

323.2.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Thefts of property, when there is no suspect information.
- (b) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (c) Vehicle burglaries with no suspect information or evidence.
- (d) Annoying telephone calls with no suspect information.
- (e) Identity theft without an identifiable suspect.
- (f) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

323.2.7 REPORTS INVOLVING CITY LIABILITY

- (a) It is the policy of the Berkeley Police Department to investigate all police-related incidents where the potential for City liability is involved. Incidents with the potential for City liability include, but are not limited to:
 1. Falls of persons on City sidewalks, curbs, streets or other City property, or in buildings owned or leased by the City;

Berkeley Police Department

Law Enforcement Services Manual

Report Preparation

2. Injury or damage, alleged or sustained, caused by overhanging trees, shrubbery, or other property under City control;
 3. Accidents or collisions involving City owned equipment or vehicles;
 4. Injuries, alleged or sustained, to an individual who is under arrest or in custody;
 5. Injuries, alleged or sustained, to an individual resulting from police action; or
 6. Loss of, or damage to, private property resulting from police action (e.g., forced entry on search warrants, welfare checks).
- (b) Under any of the above circumstances, employees shall take the following steps:
1. Notify a supervisor;
 2. Inform the owner, or person with standing over the property, of the following procedures to file a claim for reimbursement:
 - The claim may be filed in person at the City Clerk's Office (2180 Milvia St.) or on the City's website <https://berkeleyca.gov/city-services/report-pay/file-claim>.
 - The associated case number should be referenced in the claim.
 - More information on the claims process can be found on the City's website.
 3. Document and describe the events that lead to the damage or loss in either the associated case report or a "City Liability" incident report.

323.3 REPORT WRITING FORMAT

SUMMARY: Provide a brief summary of the incident, including the elements of the crime.

INVESTIGATION: Provide a chronological representation of the investigation, activities of officers and summary statements of all involved parties whether written or recorded.

DISPOSITION: Provide any details that relate to the disposition of the investigation and persons involved.

323.4 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

323.5 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should notify the employee and state the reasons for rejection. The original report should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

Berkeley Police Department

Law Enforcement Services Manual

Report Preparation

323.6 REPORT CHANGES OR ALTERATIONS

Reports that have been approved and accepted by Records Management for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been approved and accepted by Records Management may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

Motor Vehicle Collision Investigations

501.1 PURPOSE

The purpose of this policy is to establish procedures and guidelines for the investigation of traffic collisions and traffic related incidents, along with the preparation and handling of related reports.

501.2 POLICY

It is the policy of the Berkeley Police Department that all hit and run collisions with investigative leads and collisions with injuries will be fully investigated to determine the causative factors and responsibility for the collision. Documentation shall conform to State and Department reporting requirements.

501.3 GENERAL

The Department is governed in the classification of motor vehicle collisions by the California Highway Patrol (CHP) Collision Investigation Manual.

Traffic collision investigations shall be conducted with the objective of prosecution of violation(s) that caused the collision. Traffic collision investigative reports should clearly define the violation(s) and contain all information necessary for a successful prosecution.

- (a) The completed investigative report may be viewed, or a copy purchased, at the front counter of Records Management, located on the first floor of the Public Safety Building (PSB), after approximately ten business days.

501.4 DUTIES OF THE DRIVER

501.4.1 SR-1 FORM

The California Vehicle Code requires any driver involved in a vehicle collision in California to report the collision (via SR-1 form) to the DMV within 10 days if:

- (a) There was property damage of more than \$1,000, or
- (b) Anyone was injured (no matter how minor) or
- (c) Anyone was killed.

Each driver must make a report whether they caused the collision or not and even if the collision occurred on private property. The report is the responsibility of the driver, regardless of whether or not a police report was taken. An insurance agent, attorney or another designated representative may file the report for the driver. The SR-1 form is available at the front counter of the PSB or on the DMV's website for download.

501.4.2 EXCHANGE OF INFORMATION

Vehicle Code § 16025 states, "Every driver involved in the collision shall, unless rendered incapable, exchange with any other driver or property owner involved in the collision and present at the scene, all of the following information:

Berkeley Police Department

Law Enforcement Services Manual

Motor Vehicle Collision Investigations

- (a) Driver's name and current residence address, driver's license number, vehicle identification number, and current residence address of registered owner.
- (b) Evidence of financial responsibility, as specified in Section 16020. If the financial responsibility of a person is a form of insurance, then that person shall supply the name and address of the insurance company and the number of the insurance policy."

501.5 NON-INJURY MOTOR VEHICLE COLLISION

- (a) Berkeley Police Department Communications Center personnel will dispatch officers to the report of a non-injury collision occurring on a highway or private property only when the collision qualifies with one or more of the following conditions:
 - 1. A driver who may be under the influence of alcohol or drugs.
 - 2. A disturbance of the peace.
 - 3. A "hit and run" (the failure or refusal to provide both drivers license and insurance information to the other party).
 - 4. The vehicle(s) and/or vehicle debris is causing a traffic hazard and traffic control is needed (the reporting party should be advised that while traffic control will be provided, no collision report will be taken).
- (b) In the event of a significantly delayed response to a qualifying report of a collision due to lack of available personnel, the reporting party should be so informed.
- (c) If the parties in the collision refuse to wait for the officer and no traffic problem or criminal matter exist (e.g., DUI or Hit-Run), the police response may be canceled. The parties should be advised of their responsibility to exchange information.
- (d) If an officer is flagged down for a non-injury traffic collision, no collision report will be taken, but the officer may provide an incident number and/or help facilitate an exchange of information, upon request.
- (e) A property damage report may be completed at the officer's discretion on a "short form" (CHP Form 555-03, Traffic Collision Report - Property Damage Only). The short form should be handwritten at the scene and a carbon copy of the involved parties' information should be handed out to each party. The narrative portion of the form will not be given to the parties on scene and may therefore be completed at a later time.
 - 1. The short form report cannot be used when there are more than two involved parties.
 - 2. The short form report cannot be used when any City owned vehicle, City owned property or City liability is involved.
 - 3. The completed short form report, including the narrative, may be viewed or obtained (for a fee) by concerned persons at Records Management.

501.6 INJURY MOTOR VEHICLE COLLISION

- (a) Every motor vehicle collision which results in injury or death to any person, including those occurring on private property, shall be thoroughly investigated.

Berkeley Police Department

Law Enforcement Services Manual

Motor Vehicle Collision Investigations

- (b) Communications Center personnel receiving a report of an injury collision shall obtain information regarding the location, type and severity of injuries, traffic blockage, and any other information required for immediate emergency vehicle response.
 - 1. An investigating officer shall be immediately assigned. Additional officers may be assigned to assist, as deemed necessary.
- (c) Injury is defined as any non-fatal bodily harm received from a motor vehicle collision. Injury includes, but is not limited to:
 - 1. A complaint of pain without visible signs of injury
 - 2. Visible signs of injury such as lacerations, abrasions, swelling or limping
 - 3. Momentary unconsciousness

501.7 COLLISION SCENE MANAGEMENT

- (a) The first officer to arrive at the scene of any collision shall manage and attempt to stabilize the scene until relieved by the assigned officer, or other competent authority.
- (b) The initial scene management includes, but is not limited to:
 - 1. Determining the number and extent of injuries, if any, and requesting medical support, if needed.
 - i. The officer shall broadcast the injury or non-injury information as soon as possible.
 - ii. If the collision includes the request for an ambulance, it is mandatory that a sergeant respond to the scene.
 - 2. Providing emergency medical aid, when it is safe to do so, until relieved by medical personnel.
 - 3. Determining the need for traffic control and expediting the removal of vehicles, persons, and debris from the roadway when the removal will not interfere with the investigation. The officer should consider:
 - (a) The use of flares, traffic cones and/or barricades.
 - (b) Enlisting assistance from on-lookers to direct or divert traffic, etc.

501.8 COLLISION INVESTIGATION

Once the scene of the collision is stabilized, and unless relieved by a motor officer or other competent authority, the handling officer should take, or delegate, the following steps to ensure a proper investigation is completed:

- (a) Identify the drivers and passengers of the vehicles, determine their positions in the vehicles and obtain statements.
 - 1. If a party has been taken to the hospital, the handling officer may continue his/her investigation at the scene and contact the injured party at a later time, with supervisor approval.

Berkeley Police Department

Law Enforcement Services Manual

Motor Vehicle Collision Investigations

- (b) Identify witnesses and obtain statements.
- (c) Determine whether the involved parties were wearing seatbelts.
- (d) Determine whether the involved parties were in possession of a personal communication device (e.g., cell phone) at the time of the collision.
- (e) Identify whether objective signs of drug and/or alcohol or physical impairment are present.
- (f) Consider whether the criteria for a Priority Re-Examination is met (DMV Form DS-427).
- (g) Determine the point of impact and take any necessary measurements.
- (h) Issue a Notice to Appear at the conclusion of the investigation, when appropriate and possible, and when the investigating officer has completed a course or courses of instruction in collision investigation in compliance with Vehicle Code § 40600(a).
- (i) Protect the personal property of an involved party from theft or loss (e.g., if they are transported to the hospital).
 - 1. If it is not practical for the property to be delivered to the owner, and/or the owner does not authorize another disposition, the property shall be booked for safekeeping. The property's disposition should be documented in the report.
- (j) Issue a report receipt or business card with the incident number to each of the involved parties.
 - 1. The involved parties should be informed that they are responsible for reporting the collision to the DMV on the appropriate form (SR-1) which is available at the front counter of the PSB or on the DMV's website.

501.9 TRAFFIC COLLISION REPORTS / DOCUMENTATION

- (a) Traffic collisions which require documentation shall use the following CHP Forms:
 - 1. 555 (Traffic Collision Report and Factual Diagram),
 - 2. 556 (Narrative/Supplemental) and
 - 3. 555 (Injured, witness, passenger).
- (b) The narrative report shall include the following information in the sequence listed:
 - 1. **FACTS:** List known physical facts such as skid marks, vehicle debris, paint transfer, location and types of vehicles, roadway conditions, lane width, location and status of traffic control signals/signs, and a description of injuries to persons or damage to property. List the response location, the method used to get measurements, any mechanical defects found and how they were discovered and verified, and any hazardous materials.
 - 2. **STATEMENTS:** Verbal statements should be recorded as close to verbatim as possible. Written statements may be signed or unsigned and should be recorded exactly as stated. BPD statement forms should be used for written statements.

Berkeley Police Department

Law Enforcement Services Manual

Motor Vehicle Collision Investigations

3. **OPINIONS AND CONCLUSIONS:** The Point of Impact (POI) is a conclusion drawn from facts and statements. The determination of causative factors is an opinion/conclusion of the investigator and is recorded in this section.
 4. **DISPOSITION:** Include the arrest and charge(s) if a person is taken into custody. If a Notice to Appear is issued, include the citation number(s), violation(s) charged, court date and person cited. Record the disposition of vehicles (e.g., released to owner at scene, towed, etc.), and include the tow authority if impounded.
- (c) The completed report will be reviewed by the Traffic Analyst who will route copies, as appropriate, to the Statewide Integrated Traffic Records System (SWITRS).

501.10 THE FATAL ACCIDENT INVESTIGATION TEAM (FAIT)

- (a) The Fatal Accident Investigative Team (FAIT) is comprised of the following three units:
1. Traffic Unit:
 - (a) This unit is comprised of sworn personnel who have received training in basic, intermediate or advanced traffic collision investigations, collision reconstruction and/or tire friction mark analysis.
 - (b) FAIT members are volunteers who, when available, will respond to qualifying collisions on a 24-hour basis.
 - (c) Officers who wish to be designated as FAIT members should apply in accordance with existing procedures described within the Special and Temporary Duty Assignments policy. It is not necessary for FAIT members to be assigned to the Traffic Bureau.
 - (d) This unit is supervised by the Traffic Bureau Motor Sergeant. The sergeant, or his/her designee, will periodically assess all FAIT traffic members to ensure they remain qualified for this assignment.
 - (b) Investigative Unit:
 1. This unit is comprised of the Detective Bureau's Homicide Detail.
 2. This unit provides guidance and/or assistance to the Traffic Unit relative to investigative procedures (e.g., interviews, interrogations, search warrants, etc.).
 3. This unit has the primary responsibility for conducting any criminal investigation that might arise from the initial incident (e.g., felony hit and run, assault via vehicle, vehicular manslaughter, etc.). This includes ensuring all initial investigative and follow-up reports are completed in a timely manner.
 4. This unit is supervised by the Homicide Detail Detective Sergeant, or his/her designee.
 - (c) Identification Technician/Crime Scene Unit:
 1. This unit is comprised of Crime Scene Technicians.

Berkeley Police Department

Law Enforcement Services Manual

Motor Vehicle Collision Investigations

2. The primary responsibility of this unit is to provide assistance in processing the collision and/or crime scene. This unit also provides assistance in ensuring all critical evidence is photographed, identified and collected.
 3. This unit is supervised by the Crime Scene Supervisor, or his/her designee.
- (d) The Communications Center shall maintain a call-out list of FAIT members.
1. In the event it is necessary to activate FAIT, on duty FAIT members should be the first who are assigned to respond. The following notifications shall also be made when FAIT is activated:
 - i. Traffic Unit Sergeant,
 - ii. Homicide Detail Detective Sergeant, and
 - iii. Crime Scene Unit Supervisor
- (e) The purpose of FAIT is to provide a team of well-trained sworn and non-sworn personnel who work in partnership to ensure the proper investigation and management of the following type of collisions:
1. Fatality involved;
 2. Impending fatality involved;
 3. Any collision involving a BPD vehicle with serious injuries, impending fatality and/or fatality shall be investigated by CHP, but members of FAIT shall assist as needed; and/or
 4. Any collision involving a BPD vehicle with major damage involved.
 - (a) The determination of whether to request FAIT to respond is made at the discretion of the Watch Commander or sergeant who responds to the scene of the collision. Based on the circumstances, the Watch Commander or assigned sergeant may also request CHP investigate the collision whereafter, FAIT members shall assist CHP as needed.
 - (b) If the collision only involves property/vehicle damage, then it is not necessary to contact the FAIT Investigative Unit (Homicide Detail).

501.11 ARREST PROCEDURES

If an arrest is made as a result of a motor vehicle collision (e.g., DUI, Hit-Run, etc.), in addition to the CHP 555 form, a case report shall also be completed under the same case number as the collision investigation.

- (a) The case report shall bear the classification of the offense for which the defendant was arrested.
- (b) The investigating officer shall complete the narrative report; ensuring sufficient details are included to support the arrest.

Berkeley Police Department

Law Enforcement Services Manual

Motor Vehicle Collision Investigations

501.12 HIT AND RUN INVESTIGATIONS

Any driver of a motor vehicle, who becomes involved in a motor vehicle collision, must stop and identify themselves in compliance with Vehicle Code § 20002.

An officer shall investigate all hit and run collisions, whether occurring on public or private property.

- (a) However, if it is a misdemeanor hit and run collision and the officer determines there are no investigative leads, no report will be taken, but an incident report number should be provided.

The follow-up investigation for both felony and misdemeanor hit and run cases will be conducted by the originally assigned officer, unless the investigation was handled by a FAIT member who will then be responsible for the follow-up.

501.13 LATE-REPORTED COLLISIONS

Late-reported injury collisions may be reported at any time up to one year from the date of occurrence. However, the ability to conduct a comprehensive investigation may be compromised by the delay in reporting.

- (a) A delayed report meeting the above criteria shall have the special conditions box on the CHP 555 form labeled, "Late-Reported".
- (b) The reporting party should be informed that they are responsible for reporting the collision to the DMV on the appropriate form (SR-1) which is available at the front counter of the PSB or on the DMV's website.

If a non-injury collision is reported in person after both parties and vehicles have left the scene, the reporting party shall be advised that no report will be taken. However, the reporting party should be informed that they are responsible for reporting the collision to the DMV on the appropriate form (SR-1) which is available at the front counter of the PSB or on the DMV's website.

501.14 COLLISIONS INVOLVING CITY-OWNED VEHICLES

The Communications Center shall dispatch an officer to any report of a collision, with or without injury, which involves City owned vehicles, equipment or property.

- (a) Investigation - If the collision involves:
 1. Minor injury to another party - CHP should be called to conduct the investigation.
 2. Serious injury, impending fatality and/or fatality - CHP shall be called to conduct the investigation. However, FAIT shall be notified and shall assist CHP as needed.
 3. No injury or property damage only - A patrol officer may conduct the investigation.
 4. No injury with MAJOR property damage involving a POLICE vehicle - FAIT should be notified to conduct the investigation, see the FAIT section of this policy.
- (b) Documentation

Berkeley Police Department

Law Enforcement Services Manual

Motor Vehicle Collision Investigations

1. Collision reports involving City vehicles shall include the City of Berkeley Accident Report and the City Manager's Report form.
2. Collision reports involving police vehicles shall include the Supervisor's Avoidability Report and shall be completed and turned into the Patrol Lieutenant's box prior to the end of the supervisor's shift.
3. The completed report will be reviewed by the Traffic Analyst who will route copies, as appropriate, to the Statewide Integrated Traffic Records System (SWITRS).
4. No collision report needs to be taken if the incident only involves damage to city property, and it is the opinion of a supervisor that there is no need for a collision report (i.e., police auto vs. parked police auto in the PSB parking lot).
5. If the collision occurs outside of the City of Berkeley, the collision shall be reported to the appropriate law enforcement agency having jurisdiction.

501.15 COLLISIONS INVOLVING A SCHOOL BUS

The investigation of traffic collisions involving a school bus, as defined in Vehicle Code § 545, or a school pupil activity bus, as defined in Vehicle Code § 546, or a youth bus, as defined in Vehicle Code § 680, taking place anywhere within the State, are the responsibility of the CHP when the vehicle is:

- (a) Transporting any school pupils at or below the 12th grade level to or from a public or private school, or to or from public or private school activities.
- (b) Transporting any school pupils at or below the 12th grade level to or from a residential school.
- (c) Transporting children at or below the 12th grade level to or from an organized non-school related youth activity and the departing/arrival school is within 25 miles of the activity location.

Traffic collisions involving a school bus, school pupil activity bus, or youth bus, but with no pupils or qualifying children aboard, remain the responsibility of the local law enforcement agency and not the CHP.

501.16 COLLISIONS INVOLVING HAZARDOUS MATERIALS

The Berkeley Fire Department (BFD) is responsible for the scene management of any hazardous or toxic materials spill. Pending the arrival of BFD personnel, police personnel may be required to take emergency action.

The following procedures are recommended to assist in the handling of a hazardous or toxic materials spill, or the immediate potential of a spill:

- (a) Report the incident as a possible hazardous materials incident.
- (b) Give the exact location.

Berkeley Police Department

Law Enforcement Services Manual

Motor Vehicle Collision Investigations

- (c) Request assistance.
- (d) Stay upwind and upgrade.
- (e) Isolate the area of non-essential personnel.
- (f) Avoid contact with liquid or fumes.
- (g) Eliminate ignition sources (i.e., smoking, flares and combustible engines).
- (h) Identify materials, when possible, without undue risk of exposure/contact.
- (i) Initiate evacuation from downwind first.
 1. Select an upwind site for assembly of evacuated persons and report the location of the site to the Communications Center.

501.17 COLLISIONS ON THE EASTSHORE FREEWAY (I-80)

The California Highway Patrol (CHP) has responsibility for investigating traffic collisions originating on the Eastshore Freeway (I-80), including the on and off ramps within the City of Berkeley. However, upon request by the CHP, BPD will render any assistance required, including a complete investigation of a collision and subsequent prosecution of violation(s) causing the collision.

The University Avenue overpass and the Gilman Street underpass are not a part of the Eastshore Freeway (I-80) and jurisdiction remains with the BPD.

501.18 COLLISIONS INVOLVING DISABLED PEDESTRIANS

When an officer investigates a traffic collision involving a pedestrian, they shall write "DP" in CHP form 555's special conditions box, when the pedestrian does either of the following:

- (a) Uses a mobility device, such as a wheelchair, walker, crutches, cane, white cane or other device.
- (b) "Self-identifies" as having a disability that impairs mobility.

In the narrative portion of the report, the officer shall describe the mobility device the pedestrian used, or the statement the person made when he/she "self-identified" as being disabled.

This procedure does not require an officer to ask any disability related questions of the pedestrian or to do anything that would violate the American with Disabilities Act (ADA). It does not ask that an officer attempt to determine whether the pedestrian was using the mobility device as the result of a temporary medical condition (such as a broken leg), or as the result of a disability as described in the ADA.

The Traffic Analyst will maintain a file of all collision reports that are identified as involving a disabled pedestrian.

Off-Agenda Item 1

Legislative Updates Relevant to the PAB's Work



MEMORANDUM

Date: July 3, 2025
To: Honorable Members of the Police Accountability Board
From: Hansel Aguilar, Director of Police Accountability *HA*
 Jose Murillo, ODPa Policy Analyst *JM*
Subject: Legislative Updates

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

State Legislative Updates¹

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

NAME OF LEGISLATION	STATUS	SUMMARY/PURPOSE
<u>SB 385 “Peace Officers”</u>	<i>(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.</i>	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>

<p><u>AB1178</u> <u>“Peace Officers: Confidentiality of Records”</u></p>	<p><i>(Engrossed) 2025-06-30 - In committee: Referred to APPR. suspense file.</i></p>	<p>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.</p>
<p><u>SB707 “Open Meetings: Meeting and teleconference requirements”</u></p>	<p><i>(Engrossed) 2025-06-09 - Referred to Com. on L. GOV.</i></p>	<p>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.</p>
<p><u>SB-627 “Law enforcement: masks.”</u></p>	<p><i>From committee with author’s amendments. Read second time and amended. Re-referred to Com. on PUB. S.</i></p>	<p>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.</p>

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

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

SOURCE	LINK
<p>BPD Policy 1505 “2024 Legislative Update”</p>	<p>https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=1037</p>

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 25, 2025.

City of Berkeley Council Meeting Updates

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

City Council Regular Meeting of July 8, 2025²

Item No.	Item Description	Recommendation
4	FY 2026 Annual Appropriations Ordinance	Adopt second reading of Ordinance No. 7,977–N.S. adopting the FY 2026 Annual Appropriations Ordinance (AAO) in the amount of \$829,213,359 (gross appropriations) and \$687,764,462 (net appropriations).

² City Council Regular Meeting eAgenda July 8, 2025: <https://berkeleyca.gov/city-council-regular-meeting-eagenda-july-8-2025>

Upcoming Items Being Considered by the Agenda & Rules Committee

City Council Regular Meeting of July 22, 2025

Item No.	Item Description	Recommendation
8	Police Accountability Board Report: Fair and Impartial Policing Implementation (Reviewed by the Public Safety Committee)	Policy Committee Recommendation: To send item to City Council with a qualified positive recommendation highlighting
11	Memorandum of Understanding (MOU) Compendium: Agreements with Other Law Enforcement Agencies and Private Organizations	Hold a public hearing and then adopt a resolution to: <ol style="list-style-type: none"> 1. Approve the updated Compendium of current agreements between the Berkeley Police Department and other law enforcement agencies or private organizations. 2. Accept the submitted Suspicious Activity Report (SAR). 3. Accept the Mutual Aid requests and responses report, submitted in compliance with City Council directives.
12	2024 Annual Military Equipment Report (AB 481)	Adopt a resolution approving the 2024 Annual Military Equipment Report.
13	Surveillance Technology Ordinance Submission for Berkeley City Jail Surveillance System	Adopt a resolution to: <ol style="list-style-type: none"> 1. Accept the Surveillance Acquisition Report for the Berkeley City Jail Surveillance System, as required by B.M.C. Chapter 2.99. 2. Accept the Surveillance Use Policy for the Internal Video Surveillance System (BPD Policy 1306).

14	Surveillance Technology Ordinance Submission for External Fixed Surveillance Cameras (Flock Safety Condor Video Cameras)	Adopt a resolution to: <ol style="list-style-type: none">1. Accept the Surveillance Acquisition Report for Flock Safety Condor video cameras, in accordance with B.M.C. Chapter 2.99.2. Reaffirm the previously approved BPD Use Policies (Policy 351 and Policy 1304) related to external fixed video surveillance cameras
----	--	--

Off-Agenda Item 2
Policy Review Status Updates

Updated July 1, 2025



POLICY REVIEW STATUS REPORT

Guiding Authority

Section 125(3)(a)(1) and Section 125(17)(a) of the Berkeley City Charter¹

Case Load Overview

As of July 3, 2025, the Police Accountability Board (PAB) has 13 open policy reviews. There has been no new policy review submitted to the PAB since the last meeting on June 25, 2025. The PAB acted to defer one proposed policy review, which was presented at its June 25, 2025 meeting, pending a workload assessment by the ODPa. The item will be reconsidered at the July 9, 2025 meeting.

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	

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

Updated July 1, 2025

proceeded after body-worn camera footage suggested an officer directed paramedics to inject a substance into the complainant.

Activity Report

At its next regular meeting on July 9, 2025, the ODPA will recommend that the PAB temporarily suspend or close this policy review; however, the final decision rests with the PAB.

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

At its next regular meeting on July 9, 2025, the ODPA will recommend that the PAB temporarily suspend or close this policy review; however, the final decision rests with the PAB.

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

Updated July 1, 2025

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

At its next regular meeting on July 9, 2025, the ODPA will recommend that the PAB temporarily suspend or close this policy review; however, the final decision rests with the PAB.

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

At its next regular meeting on July 9, 2025, the ODPA will recommend that the PAB temporarily suspend or close this policy review; however, the final decision rests with the PAB.

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

² On December 11, 2024, the PAB voted to divide this review in two parts. The first looking at the issue of restraining orders and the second into BPD's interactions with the elderly. The PAB was presented with part one on January 8, 2025.

Updated July 1, 2025

Anticipated Completion	March 5, 2025
Assigned To	ODPA
Summary	
<p>The complainant reports ongoing disturbances, harassment, and restraining order violations by a neighbor's caretaker, raising concerns about enforcement by the Berkeley Police Department. This policy review will examine BPD's handling of interactions with elder adults and its practices regarding restraining orders, as the complainant indicates possible misunderstandings of order terms. Despite multiple encounters and existing orders, the complainant reports continued issues with enforcement.</p>	
Activity Report	
<p>The ODPA held a focus group at the North Berkeley Senior Center on February 7, 2025. The information collected is currently being reviewed for potential inclusion in the final report. In addition, ODPA staff is examining historical complaint data for cases with similarities to the incident that prompted this policy review, in order to identify any practices or patterns that may be addressed in the report. Additional request for records to further inform this review are anticipated.</p>	

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

Updated July 1, 2025

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	
At its next regular meeting on July 9, 2025, the ODPA will recommend that the PAB temporarily suspend or close this policy review; however, the final decision rests with the PAB.	

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.

Updated July 1, 2025

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	
At its next regular meeting on July 9, 2025, the ODPA will recommend that the PAB temporarily suspend or close this policy review; however, the final decision rests with the PAB.	

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	

Updated July 1, 2025

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

At its next regular meeting on July 9, 2025, the ODPa will recommend that the PAB temporarily suspend or close this policy review; however, the final decision rests with the PAB.

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

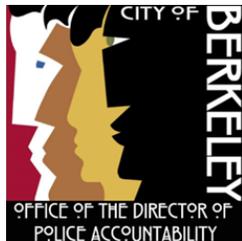
Updated July 1, 2025

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) *HA*
 Jose Murillo, ODPa Policy Analyst *JM*
 Syed Mehdi, ODPa Data Analyst *SM*
Subject: Summary of PAB Requests (October 2024 - June 2025)

This memorandum summarizes eleven requests which remain active made by the Police Accountability Board (PAB) during sixteen meetings held between October 9, 2024, and June 25, 2025. The distribution of requests by stakeholder is as follows: Nine requests were directed to the Office of the Director of Police Accountability (ODPA), three to the Berkeley Police Department (BPD), one to the Mayor's Office and one 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)

No.	Meeting Date/Link	Request to	Request (Time Stamp)	Status/Note
1	1/8/2025 PAB Regular Meeting Recording: https://youtu.be/56WiTDQB_jo?si=Go90zuEmVqEhNRjH 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/ 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.

2	<p>1/8/2025 PAB Regular Meeting Recording: https://youtu.be/56WiTDQB_jo?si=Go90zueMvGehNRjH</p> <p>1/8/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%202025-01-08%20Regular%20MeetingMinutes.pdf</p>	ODPA	<p>The PAB requested a document compiling all recommendations that have been made to the BPD. (48:02 - 49:00)</p>	Open - This request is still active.
3	<p>2/1/2025 PAB Special Meeting Recording: https://youtu.be/dlXg3dnH77w?si=DLau_PhK4WpmJsVW</p> <p>2/1/2025 PAB Special Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-01%20Special%20Meeting%20Minutes.pdf</p>	ODPA	<p>The PAB requested that staff track the number of outstanding requests to the City Attorney's Office and report back to the Board and/or include the information in the annual report. (1:52:46 – 1:53:25)</p>	Open - This request is still active.
4	<p>2/19/2025 PAB Regular Meeting Recording: https://youtu.be/9jOYSyLtzC0?si=JtMEtoSvHbkYpDWL</p> <p>2/19/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-19%20Regular%20Meeting%20Minutes.v2.pdf</p>	ODPA	<p>The PAB requested that staff explore whether other agencies have comparable policies on conflicts of interest when officers are responding to calls made by a party who has filed a complaint against them. (1:11:30 - 1:12:08)</p>	<p>Open – In relation to 2025-PR-0001</p> <p>This request is still active because the Board requested this as part of the policy review.</p>

5	<p>2/19/2025 PAB Regular Meeting Recording: https://youtu.be/9iOYSyLtZc0?si=JtMEtoSvHbkYpDWL</p> <p>2/19/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-19%20Regular%20Meeting%20Minutes.v2.pdf</p>	Mayor's Office	The PAB requested that staff coordinate with the Mayor's Office to obtain advance notice of meeting agendas. (43:20 - 44:30)	Open - This request is still active.
6	<p>4/9/2025 PAB Regular Meeting Recording: https://youtu.be/HNdbV36FvB4?si=YBOS2cmP9auaS2Rg</p> <p>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</p>	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)	<p>Open- This request is still active.</p> <p>There are multiple steps to the request, and, as highlighted in section 10.d.ii of the 4/23/25 PAB Regular meeting agenda packet, a joint letter from Chair Cayetano and Chief Louis was sent to Berkeley City Council Public Safety Committee.</p> <p>Joint Letter Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-04-17%20PAB%20R</p>

				egular%20Meeting%20Packet.pdf#page=73
7	<p>5/07/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=pL5VhNQDU60</p> <p>5/07/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-05-07%20Regular%20Meeting%20Minutes.v2.pdf</p>	City Clerk's Office	<p>The PAB requests the opportunity to provide input on the records retention schedule. The ODPa is asked to contact the City Clerk's Office to determine the status, scope, and timeline of the project, including whether any consultants or departments will be involved, in order to identify opportunities for engagement.</p> <p>(22:19 – 24:41)</p>	<p>Open – This request is still active</p> <p>Link to Memorandum Titled "Records Retention Schedule of the BPD, PAB and ODPa":</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-05-07%20PAB%20Regular%20Meeting%20Packet%20-%20SUPP%201.pdf#page=3</p>
8	<p>5/07/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=pL5VhNQDU60</p> <p>5/07/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-05-07%20Regular%20Meeting%20Minutes.v2.pdf</p>	ODPA	<p>The PAB requests that the ODPa bring an overview of staff workload.</p> <p>(40:29-40:47)</p>	Open – This request is still active.

9	<p>5/21/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=mFBeoH6IXWI</p> <p>5/21/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT_2025-05-21_Regular_Meeting_Minutes_Updated.pdf</p>	ODPA	<p>The PAB requests that ODPa staff look into department retention schedules of nearby jurisdictions, what NACOLE recommendations constitute.</p> <p>(1:37:21-1:37:54)</p>	Open – This request is still active.
10	<p>6/11/2025 PAB Regular Meeting Recording: https://youtu.be/CxY0KXhZVvk?si=8Fs4ENY5h7jFYR4O</p> <p>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</p>	ODPA, BPD	<p>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 Safety Policy Committee's July meeting.</p> <p>(2:32:52 – 2:38:07)</p>	<p>Open – This request is still active.</p> <p>Link to BMC 2.100.050: https://berkeley.municipal.codes/BMC/2.100.050</p> <p>Link to AB 481: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB481</p>
11	6/25/2025 PAB Regular Meeting Recording:	ODPA	The PAB has requested that ODPa draft a	Open – This request is still active.

	<p>https://youtu.be/tJ2ZikXAsIk?si=W6mA-sHv4YREEIJA%20%20%20</p> <p>6/25/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT_2025-06-25_Regular_Meeting_Minutes_-HA_Reviewed.pdf</p>		<p>recommendation on the Acquisition Report for the Board's consideration and vote at its July 9, 2025 meeting. The recommendation must be finalized in time for submission to the Rules Committee following the PAB's vote. Board Member Edmonds will assist ODPa in drafting the recommendation</p> <p>.</p> <p>(3:04:44 – 3:08:31)</p>	
--	--	--	---	--