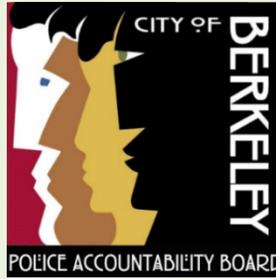


Page numbers for this agenda packet are marked in **blue** to distinguish them from the numbering within individual documents.



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA PACKET
November 5, 2025
6:30 PM**

Board Members

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

MEETING LOCATION

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

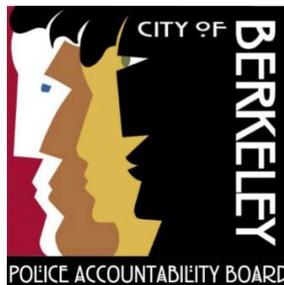
Item	Description	Page
2	November 5, 2025 PAB Regular Meeting Agenda	1
4	Minutes for the Regular Meeting of September 17, 2025	7
4	Minutes for the Special Meeting of September 29, 2025	13
5	Recap of “A Community Conversation – Una Charla Para la Comunidad” Event	17
5	Recap of ODPA’s Attendance at NACOLE 2025	23
8	PAB Subcommittee List	28
9.a.	October 30, 2025 letter from Chair Cayetano to the PAB regarding the updated Berkeley Police Department Policy 415, “Immigration Law,” and new Policy 1106, “Special Order 2025-0001 – Response to Incidents Involving Federal Civil Immigration Enforcement.”	31
9.e.	October 31, 2025 memo from the ODPA to the PAB titled “Update on the ODPA’s proposals considered by the City Council at their September 30th Regular Meeting as items 17 and 18”	67
9.f.	October 31, 2025 memo from the ODPA to the PAB titled “Notice of the Upcoming FY 2027–FY 2028 Biennial Budget Cycle”	70

Off Agenda Reports & Correspondences

1	Legislative Updates Relevant to the PAB's Work	73
2	Policy Review Status Updates	79
3	List of Pending PAB Request	86

Item 2

November 5, 2025 PAB Regular Meeting Agenda



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA
WEDNESDAY, NOVEMBER 5, 2025
6:30 P.M.**

Board Members

Joshua Cayetano (Chair)
Kitty Calavita
Randy Wells

Leah Wilson (Vice-Chair)
Juliet Leftwich
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 September 17, 2025
- b. Minutes for the Special Meeting of September 29, 2025

5. ODPa STAFF REPORT (10 MINUTES)

Announcements, updates, and other items.

- a. Recap of "A Community Conversation – Una Charla para la Comunidad" Event
- b. Recap of NACOLE 2025

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, reassignment of liaison tasks to an existing or newly established subcommittee and additional discussion and action as warranted for the subcommittees and liaison roles listed on the PAB's Subcommittee List included in the agenda packet.

9. DISCUSSION AND ACTION ITEMS (1 HOUR 15 MINUTES)

- a. Discussion and action on a review of the Berkeley Police Department's Policy 415 "Immigration Law" and contracted vendors with a Sanctuary City exemption (Cayetano) – (15 Minutes)
- b. Discussion and action on Berkeley Police Department's Annual Surveillance Technology Report (Cayetano) – (15 Minutes)
- c. Discussion and action regarding the update on BPD's radio encryption request, which was approved at the October 28th Berkeley City Council regular meeting (ODPA) – (15 Minutes)
- d. Discussion and action regarding the proposed review of alternative vendors and technologies to Flock Safety (Cayetano) – (15 Minutes)
- e. Discussion and action on follow up to the ODPA's proposals considered by the City Council at their September 30th Regular Meeting as items 17 and 18 (Cayetano) – (15 Minutes)
 - i. Resolution calling on the California state legislature to amend Government Code Section 12519 to allow heads of civilian oversight agencies to directly request investigative assistance from the Attorney General's Office
 - ii. Resolution directing the City Manager to work with the City Attorney's Office to establish a communications policy, corresponding training, and compliance mechanism to ensure impartiality and neutrality during the pendency of an active personnel investigation
- f. Discussion and action on the Fiscal Year 2027-2028 Biennial Budget Development (ODPA) – (15 Minutes)

10. PUBLIC COMMENT (TBD)

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

11. CLOSED SESSION (1 HOUR)**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. Government Code § 54957
Public Employee Performance Evaluation
Title: Director of the Office of the Director of Police Accountability (ODPA)

- b. Case Updates and Recommendations Regarding Complaints Received by the ODPAs:

i. 2023-CI-0016	xiii. 2025-CI-0025
ii. 2024-CI-0004	xiv. 2025-CI-0026
iii. 2025-CI-0010	xv. 2025-CI-0027
iv. 2025-CI-0013	xvi. 2025-CI-0028
v. 2025-CI-0014	xvii. 2025-CI-0029
vi. 2025-CI-0015	xviii. 2025-CI-0030
vii. 2025-CI-0017	xix. 2025-CI-0031
viii. 2025-CI-0018	xx. 2025-CI-0032
ix. 2025-CI-0019	xxi. 2025-CI-0033
x. 2025-CI-0020	xxii. 2025-CI-0034
xi. 2025-CI-0021	xxiii. 2025-CI-0035
xii. 2025-CI-0024	

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 September 17, 2025



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING MINUTES
WEDNESDAY, SEPTEMBER 17, 2025
6:30 P.M.**

Board Members

Joshua Cayetano (Chair)	Leah Wilson (Vice-Chair)
Kitty Calavita	Juliet Leftwich
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

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

Absent: Board Member Joshua Cayetano¹ (Chair).

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

BPD Staff: Jen Tate, Deputy Chief
Lt. Coats

¹ Chair Cayetano was granted a Leave of Absence for the 9/17 PAB Regular Meeting.

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Leftwich/Calavita) Motion carried.

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

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

3. PUBLIC COMMENT

3 Physically Present Speakers

0 Virtually Present Speakers

4. APPROVAL OF MINUTES

- a. Minutes for the Regular Meeting of September 3, 2025

Motion to approve the minutes for the Regular Meeting of September 3, 2025.

Moved/Second (Leftwich/Wilson) Motion carried.

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

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

5. ODPa STAFF REPORT

Director Aguilar reported on Hispanic Heritage Month² and announced that the City will host an event³ on September 30, 2025, in which ODPa will participate. He reported that ODPa's recent submission⁴ to Council will appear on the September 30 agenda. He also recapped his participation at a Latino/x/e/a Social Work⁵ Conference, where he discussed civilian oversight, de-escalation, and co-responder models. Finally, he reminded the PAB members of the upcoming NACOLE Annual Conference⁶ on October 26–30 and confirmed that training funds are available to support Board attendance.

6. CHAIR AND BOARD MEMBERS' REPORTS

Vice Chair Wilson requested that a future agenda include a discussion on the status of the Specialized Care Unit (SCU), noting concern that responsibility had shifted⁷ from the City to

² National Museum of the American Latino, Hispanic Heritage Month: <https://latino.si.edu/learn/teaching-and-learning-resources/hispanic-heritage-month-resources/hispanic-heritage-month>

³ National Hispanic Heritage Month Event: <https://berkeleyca.gov/community-recreation/events/national-hispanic-heritage-month-event>

⁴ Rules & Agendas Committee September 15, 2025 Meeting Minutes: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/09-15 Minutes - Agenda Committee.pdf>

⁵ LSWO National Latinx Social Work Conference: <https://www.lswo2025.com/>

⁶ 2025 Annual NACOLE Conference: https://www.nacole.org/2025_annual_conference

⁷ Berkeleyside, After years of unmet goals, Berkeley hands behavioral crisis response to county: <https://www.berkeleyside.org/2025/04/25/after-years-of-unmet-goals-berkeley-hands-behavioral-crisis-response-to-county>

the County. She suggested it may be helpful to wait until the County's approach becomes clearer before scheduling the item and asked that staff coordinate with the community member to determine timing. She also recommended inviting a representative from the County crisis response team to participate when the discussion is held.

7. CHIEF OF POLICE'S REPORT

The Deputy Chief reported on two recent incidents near local schools. On September 8, officers responded to a shooting⁸ near King and Ashby; the incident was not directed at the nearby school and remains under investigation. On September 16, a vehicle struck⁹ three pedestrians in a hit-and-run near Emerson Elementary School. The Deputy Chief also provided staffing updates, noting 152 sworn officers with five in the academy. Finally, the Deputy Chief announced that BPD will likely host a community meeting during the week of October 13 to discuss surveillance camera technologies.

8. SUBCOMMITTEE REPORTS

The PAB's subcommittees reported on their activities since the last PAB meeting on September 3, 2025.

9. DISCUSSION AND ACTION ITEMS

- a. Discussion and action on the presentation of ODPa Policy Reviews
 - i. 2024-PR-0003 - Computer Voice Stress Analyzers (CVSA) (20 Minutes)

Motion for the Director to share the CVSA materials presented to the PAB on September 17 with the BPD, and to convey that the Board generally supports ceasing use of CVSA technology while seeking to finalize its position collaboratively with the BPD.

Moved/Second (Wilson/Leftwich) Motion carried.

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

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

- ii. 2024-PR-0004 - Artificial Intelligence (AI) Assisted Report Writing (20 Minutes)

Motion for ODPa staff to monitor developments in AI related to police report writing and report back to the PAB on any significant updates, including legislative changes such as SB 524¹⁰, District Attorney guidance, and information from the BPD.

Moved/Second (Leftwich/Calavita) Motion carried.

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

Noes: None. Abstain: None. Absent: Cayetano

⁸ Berkeley Scanner, Berkeley police: Shooting was not aimed at Malcolm X school: <https://www.berkeleyscanner.com/2025/09/09/shootings/berkeley-police-gunfire-malcolm-x-elementary-school/>

⁹ Berkeleyside, Berkeley hit-and-run suspect held on suspicion of attempted murder: <https://www.berkeleyside.org/2025/09/17/berkeley-elmwood-crash-attempted-murder>

¹⁰ SB 524 Law enforcement agencies: artificial intelligence: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB524

- b. Discussion and action on a potential future police radio encryption at the Berkeley Police Department (ODPA)

No Action taken.

- c. Discussion and action on a proposal from Councilmember Taplin for City Council to refer to the City Manager initiation of the Surveillance Technology Ordinance (BMC 2.99) process for the Berkeley Police Department to explore acquiring and using Unmanned Aerial Systems (UAS), including Drones as First Responders (ODPA) – (15 Minutes)

Motion to request that ODPa formally ask the UC Berkeley Criminal Law and Justice Center (CLJC) to partner with the office in conducting a review of drones and other Unmanned Aerial Systems (UAS) technologies, in anticipation of potential Council action under the Surveillance Technology Ordinance.

Moved/Second (Leftwich/Calavita) Motion carried.

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

Noes: None. Abstain: None. Absent: Cayetano

- d. Discussion and action on the potential cancellation or rescheduling of the PAB's October 8th, 2025 Regular Meeting (ODPA) – (10 Minutes)

No Action taken, ODPa staff will poll PAB members to determine availability.

- e. Discussion and action to assign a delegate for the 2025 NACOLE Annual Conference Elections (ODPA) – (5 Minutes)

Motion to delegate Chair Cayetano for the 2025 NACOLE Annual Conference Elections.

Moved/Second (Wilson/Wells) Motion carried.

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

Noes: None. Abstain: None. Absent: Cayetano

10. PUBLIC COMMENT (TBD)

4 Physically Present Speakers

1 Virtually Present Speaker

11. CLOSED SESSION

CLOSED SESSION ITEMS

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

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

Director Aguilar provides case updates to the PAB.

END OF CLOSED SESSION

12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS (1 MINUTE)

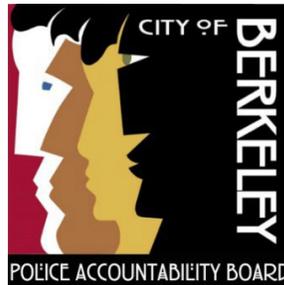
Vice Chair Wilson announces the closed session actions. No actions are taken by the PAB.

13. ADJOURNMENT (1 MINUTE)

Motion to adjourn. Moved/Second (Leftwich/Wells) The meeting was adjourned at 8:34PM by unanimous consent.

Item 4

Minutes for the Special Meeting of September 29, 2025



**POLICE ACCOUNTABILITY BOARD
SPECIAL MEETING MINUTES
MONDAY, SEPTEMBER 29, 2025
6:30 P.M.**

Board Members

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

MEETING LOCATION

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

MINUTES

1. CALL TO ORDER AND ROLL CALL

Present: Board Member Joshua Cayetano (Chair).
Board Member Buswell-Charkow
Board Member Kitty Calavita
Board Member Juliet Leftwich
Board Member Randy Wells

Absent: Board Member Leah Wilson (Vice Chair)
Board Member Buswell-Charkow

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

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Leftwich/Calavita) Motion carried.

Ayes: Cayetano, Calavita, Leftwich, Wells.

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

3. PUBLIC COMMENT

0 Physically Present Speakers

0 Virtually Present Speakers

4. 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. Discussion and action on the ODPAs' recommendations for Complaint Number 2025-CI-0013 (ODPA)

Motion to approve ODPAs recommendation #1.

Moved/Second (Cayetano/Calavita). Motion carried.

Ayes: Cayetano, Calavita, Leftwich, Wells.

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

Motion to approve ODPAs recommendation #2.

Moved/Second (Cayetano/Calavita). Motion Fails, unanimous vote required.

Ayes: Cayetano, Calavita, and Leftwich.

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

Motion to approve ODPAs recommendations #3-7.

Moved/Second (Cayetano/Calavita). Motion carried.

Ayes: Cayetano, Calavita, Leftwich, Wells.

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

- b. Discussion and action on the ODPAs' recommendations for Complaint Number 2025-CI-0014 (ODPA)

Motion to modify ODPAs recommendation #1 to unfounded.

Moved/Second (Cayetano/Wells). Motion carried.

Ayes: Cayetano, Calavita, Leftwich, Wells.

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

Motion to approve ODPAs recommendations #2-6 with a modification to the disciplinary recommendation made in recommendation #6.

Moved/Second (Cayetano/Leftwich). Motion failed.

Ayes: Cayetano, Calavita, Leftwich, and Wells.

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

-
- c. Discussion and action on the ODPAs recommendation for the administrative closure of Complaint Number 2024-CI-0025 (ODPA)

Motion to Administratively Close 2024-CI-0025 if no response is received from the complainant by October 2, 2025.

Moved/Second (Cayetano/Calavita) Motion carried.

Ayes: Cayetano, Calavita, Leftwich, Wells.

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

- d. Discussion and action on the ODPAs recommendation for the administrative closure of Complaint Number 2025-CI-0021 (ODPA)

No formal action was taken by the PAB. Discussion to continue at a future meeting.

- e. General case updates and recommendations regarding complaints received by the ODPAs (ODPA).

Director Aguilar provided updates on complaints received by the ODPAs. No formal action was taken by the PAB.

END OF CLOSED SESSION

5. ANNOUNCEMENT OF CLOSED SESSION ACTIONS (1 MINUTE)

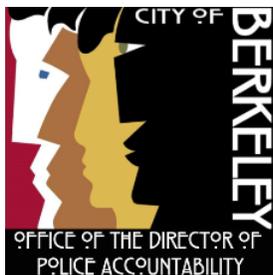
Chair Cayetano announced the closed session actions.

6. ADJOURNMENT (1 MINUTE)

Motion to adjourn. Moved/Second (Cayetano/Wells). The meeting was adjourned at 8:56 PM by unanimous consent.

Item 5

Recap of “A Community Conversation – Una Charla Para la Comunidad”
Event



MEMORANDUM

Date: October 14, 2025

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

From: Hansel A. Aguilar, Director of Police Accountability (DPA), 
Xiaoyu (Esther) Fan, ODPa Intern

Subject: Hispanic Heritage Month Community Event -- A Community Conversation (*Una Charla para la Comunidad*)

This memorandum provides a summary of the Office of the Director of Police Accountability's (ODPA) Hispanic Heritage Month community event titled "A Community Conversation (*Una Charla para la Comunidad*)"¹, held on October 10, 2025, at 1900 Addison St., 3rd floor, Berkeley.

Background:

The event was organized to honor Hispanic Heritage Month and engage Berkeley residents in a bilingual (English/Spanish) dialogue on immigrant rights, police accountability, and sanctuary protections. The forum offered attendees timely legal education, civic empowerment tools, and community resources through a multilingual, community-centered format.

Program Overview:

- Date/Time: October 10, 2025 | 6 – 8 PM
- Format: Hybrid (In-person and Zoom livestream)
- Attendance: ~10 participants
- Languages: English and Spanish (dual presentation)
- Refreshment: Light refreshments were provided
- Collaborators:

¹ Community event flyer: <https://berkeleyca.gov/community-recreation/events/una-charla-para-la-comunidad-community-conversation>

- Stephen Hylas, Berkeley City Attorney's Office²
- Maria Elena Paniagua, OASIS Legal Services³
- Mirna Cervantes, Multicultural Institute⁴
- Abigail Esquivias, Social Justice Collaborative⁵
- Abigail L'Esperance, East Bay Community Law Center⁶

Agenda Highlights:

- Opening Remarks – ODPa briefly introduces the event, purpose, and partners
- City of Attorney's Office Presentation – Overview of Berkeley's new Sanctuary Ordinance⁷
- Know Your Rights Presentation – Bilingual legal education facilitated by OASIS and EBCLC, covering immigrant rights in police encounters, protections under sanctuary policies, and community resources
- ODPa & PAB Presentation – Introduce ODPa's role in accountability and educate participants about how to file complaints
- Audience Q&A + Closing

Outcomes & Impact:

- Fostered direct civic education for immigrant and Latinx residents
- Strengthened cross-agency collaboration on public safety education
- Reached participants from diverse neighborhoods via grassroots outreach
- Reinforced ODPa's commitment to accessible, multilingual engagement, and human rights-centered oversight

Recommendations:

- Promotion and Outreach: Despite strong content and collaboration, turnout remained low (fewer than 10 attendees across in-person and Zoom). This

² Berkeley City Attorney's Office: <https://berkeleyca.gov/your-government/about-us/departments/city-attorney>

³ OASIS Legal Services: <https://www.oasislegalservices.org/>

⁴ Multicultural Institute: <https://mionline.org/>

⁵ Social Justice Collaborative: <https://www.socialjusticecollaborative.org/>

⁶ East Bay Community Law Center: <https://ebclc.org/>

⁷ September 9, 2025 Proposed Sanctuary City Ordinance - Council Referral; Adding Berkeley Municipal Code Chapter 12.114: <https://berkeleyca.gov/sites/default/files/documents/2025-09-09%20Item%2025%20Proposed%20Sanctuary%20City%20Ordinance.pdf>

suggests the need for a broader and earlier outreach strategy. Future efforts may include flyering at community centers, schools, libraries, and religious institutions, as well as outreach via neighborhood groups and social media platforms.

- **Planning Timeline:** The planning process was highly time-sensitive, leaving limited room for pre-event promotion and logistics. A longer preparation time is recommended to allow for refining project details, coordinating with partners, and implementing a more comprehensive advertising strategy.

Attachments:

1. Event Flyer

LA OFICINA DEL DIRECTOR DE RENDICIÓN DE CUENTAS DE LA POLICÍA



UNA CHARLA PARA LA COMUNIDAD

-  **Ordenanza de la ciudad santuario**
-  **Conozca sus derechos**
-  **Rendición de cuentas de la policía**

10 de Octubre, 2025 | 6-8 PM

Dirección del evento
1900 Addison St. – 3rd floor,
Berkeley

Limitado a 30 asistentes

Sintoniza de manera remota a través de

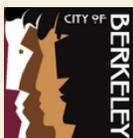


 **Bilingüe, gratis y abierto para todos**

 **¡Escanea el código de QR para confirmar su asistencia!**



en colaboración con



Office of the
City Attorney



MULTICULTURAL
INSTITUTE

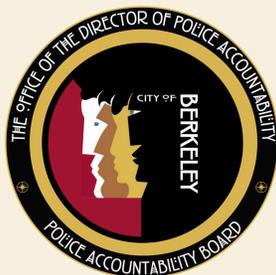


Social Justice
Collaborative



EAST BAY
COMMUNITY
LAW CENTER

THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY PRESENTS



A COMMUNITY CONVERSATION

 **Sanctuary Ordinance**

 **Know Your Rights**

 **Police Accountability**

October 10th, 2025 | 6-8 PM

Address
1900 Addison St. – 3rd floor,
Berkeley

Limited to 30 Attendees

Tune in Remotely via


 **Bilingual**
Free & Open to All

 **Scan QR to RSVP!**



in collaboration with:



Office of the
City Attorney



MULTICULTURAL
INSTITUTE



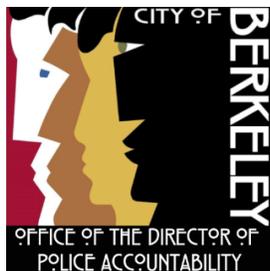
Social Justice
Collaborative



EAST BAY
COMMUNITY
LAW CENTER

Item 5

Recap of ODPA's Attendance at NACOLE 2025



MEMORANDUM

Date: October 30, 2025

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

From: Hansel A. Aguilar, Director of Police Accountability (DPA) *HAA*

Subject: Recap of 2025 Annual NACOLE Conference "Reckoning & Resilience in the Post-George Floyd Era"

Background:

From October 26-30, 2025, the City of Berkeley had a notable presence at the 31st Annual NACOLE Conference¹ held in Minneapolis, MN. This conference, themed "Reckoning & Resilience in the Post-George Floyd Era" provided a valuable platform to engage with civilian oversight peers and gain insights into advanced practices across the country.

Delegation Overview:

The Berkeley delegation comprised the following PAB and ODPa members:

- **Berkeley Police Accountability Board (PAB)**
 - Chair Joshua Cayetano
- **Office of the Director of Police Accountability (ODPA)**
 - Director of Police Accountability Hansel Aguilar
 - Investigator Daniel Weinberg
 - Policy Analyst Jose Murillo

¹ 2025 Annual National Association for Civilian Oversight of Law Enforcement:
https://www.nacole.org/2025_annual_conference



Image 1. From left to right: Policy Analyst Jose Murillo, Director of Police Accountability Hansel Aguilar, Investigator Daniel Weinberg, and PAB Chair Joshua Cayetano.

Conference Summary:

The NACOLE conference featured a comprehensive agenda covering crucial areas such as transparency, community engagement, data-driven oversight, and alternative response models. Key sessions attended by the Berkeley delegation included:

- **Use of Force Principles: Twenty-Three Core Elements to Ensuring an Effective Policy**
- **Officer Created Jeopardy and How It Results in Deadly Force Incidents**
- **Audit Principles to Building Credibility and Legitimacy in Civilian Oversight**
- **How Civilian Oversight Authorities Can Shape Surveillance Accountability in Public Safety**

In addition to the conference sessions, the delegation engaged in valuable discussions with oversight professionals and civilian oversight bodies nationwide. Director Aguilar also moderated a panel titled “*Knowledge is Power: Using Research to Transform Oversight and Public Safety*” which brought together leading voices at the intersection of research and practice to explore how oversight agencies – whether new or well-established – can

use empirical tools and evidence-based strategies to improve their effectiveness and credibility. The panel was composed of the following members:

- **Mir Usman Ali**, Assistant Professor at the School of Public Policy, University of Maryland–Baltimore County
- **Marisol Cantu**, Member of the City of Richmond Community Police Review Commission (CPRC)² and Professor of English as a Second Language (ESL) at Contra Costa College
- **Cody Telep**, Associate Professor and Associate Director at the School of Criminology and Criminal Justice, Arizona State University

The session focused on how oversight agencies can:

- Design and structure oversight systems informed by research on legitimacy and accountability
- Conduct policy reviews and evaluate practices using frameworks like the Evidence-Based Policing Matrix³
- Refine internal protocols such as complaint intake and review processes through evidence-informed strategies
- Push back against status-quo policing models using vetted research and peer-reviewed findings
- Translate complex research into accessible using vetter research and peer-reviewed findings
- Translate complex research into accessible language for elected officials, the media, and the public.

² <https://www.ci.richmond.ca.us/81/Community-Police-Review-Commission>

³ <https://cebcp.org/evidence-based-policing/the-matrix/>

NACOLE Election Results:

As part of the Annual Conference, NACOLE had its elections for the 2026 NACOLE Board. The election results were:

Name	Agency	NACOLE Board Position
Florence Finkle	OIR Group (Law Enforcement Accountability Consultant)	President Elect
George Perezvelez	BART Police Citizen Review Board	Vice President
Yojaira Alvarez	New York City Civilian Complaint Review Board	Member At-Large
Jayson Wechter	Formerly with Berkeley's Office of the Director of Police Accountability	Member At-Large
Bart Logue	City of Spokane Office of Police Ombuds	Member At-Large

Conclusion:

The NACOLE conference served as an essential educational experience for Berkeley's delegation, reinforcing our commitment to transparency, procedural justice, and accountability. The knowledge gained and connections fostered will greatly benefit Berkeley's continued efforts to enhance civilian oversight and reinforce public trust in law enforcement.

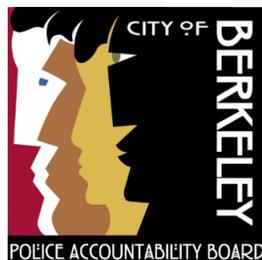
Attachments:

Symposium Agenda:

https://assets.nationbuilder.com/nacole/pages/1822/attachments/original/1761416665/Printable_Schedule.as_of_10.25.2025.docx.pdf?1761416665

Item 8
PAB Subcommittee List

Updated on 11/1/2025



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	N/A
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
Arrest Quota Prohibition Formed 5-21-2025	Edmonds Wells	TBD	TBD

Updated on 11/1/2025

Policies and Practices on Encampment Clearances Former 6-25-2025	Cayetano Wells Wilson	TBD	TBD
--	-----------------------------	-----	-----

LIAISON LIST¹

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 MEMBERS²

Policy Review Number	Assigned Board Member
2025-PR-0001	Calavita
2025-PR-0004	Calavita

¹ Liaison list does not include topics that were originally assigned to a Board Member but later assigned to a subcommittee.

² This list does not include policy complaints that were originally assigned to an individual Board Member but later assigned to a subcommittee.

Item 9.a.

October 30, 2025 letter from Chair Cayetano to the PAB regarding the updated Berkeley Police Department Policy 415, "Immigration Law," and new Policy 1106, "Special Order 2025-0001 – Response to Incidents Involving Federal Civil Immigration Enforcement."



Josh Cayetano | Chair
 Police Accountability Board
JCayetano@berkeleyca.gov

October 30, 2025

VIA ELECTRONIC MAIL [Email]

Police Accountability Board
DPA@berkeleyca.gov
 1900 Addison Street, 3rd Floor
 Berkeley, CA 94704

**Re: Updated Berkeley Police Department 415 “Immigration Law” and New Policy 1106
 “Special Order 2025-0001 – Response to Incidents Involving Federal Civil
 Immigration Enforcement”**

Dear Board Members,

On Friday, October 24, 2025, Berkeley Police Department (BPD) published and implemented a revised Policy 415 Immigration Law (Attachments 1 and 2) and a new Policy 1106: Special Order 2025-0001 – Response to Incidents Involving Federal Civil Immigration Enforcement (Attachment 3). The policies provide guidelines to members of BPD relating to immigration and interacting with federal immigration officials. The revised Policy 415 codified the Sanctuary City Ordinance into BPD policy¹ and Policy 1106 provides further direction to BPD officers.

Earlier that week, on Wednesday, October 22, Berkeley Mayor Adena Ishii and City Manager Paul Buddenhagen released a statement² confirming that ICE was coming to the Bay Area and was currently mobilizing 100 agents to conduct operations within and around San Francisco, including East Bay cities. The statement emphasized that “[n]o City of Berkeley department, agency, commission, officer, or employee can deny access to any city services or benefits to residents on the basis of their immigration status. Everyone should feel safe and trusted when interacting with

¹ On September 30, 2025, the Berkeley City Council [unanimously passed](#) Ordinance No. 7,984–N.S. adopting a Sanctuary City Ordinance (BMC 13.114) to codify the City’s sanctuary policy into the Berkeley Municipal Code.

² Statement from Berkeley Mayor Adena Ishii and City Manager Paul Buddenhagen: https://static1.squarespace.com/static/67b8d475d123b10ecf9296c1/t/68fa555a0deed67e95d97d30/1761236314423/October+22+Statement.pdf?fbclid=IwY2xjawNvUrJleHRuA2F1bQlxMABicmlkETE2VTUwZjJaSjgwa3BzUE5BAR78BiXPv7rgFBktI1ws7hoUhsnf2Im4XsPD5mfZp-E2yPD0cKbB05HieP3HTw_aem_tQauXWsbTqPWnIYtXMa1OQ

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

the Berkeley Police Department (BPD) and other city departments; the City will not assist ICE in immigration enforcement.” Berkeley received word later in the week that the surge was temporarily suspended.³

The Berkeley City Charter Section 125(17)(a) explains that the Board has the authority to review “policies, practices, and procedures of the Police Department in its discretion.”⁴ It also provides that, following the submission of a newly-adopted or revised policy, the Board must submit any irreconcilable differences to the City Manager within 60 days of the date that the Chief submits the revised policy to the Board.

There are a number of potential revisions that the Board may consider. The Board previously made discrete recommendations⁵ designed to strengthen the City’s commitment to maintaining our immigrant community’s trust in local law enforcement and, importantly, the commitment to protecting the members of Berkeley’s immigrant community during its review of BPD’s Compendium of Memoranda of Understanding. Specifically, the Board recommended that BPD (1) annually certify that every officer has been trained to adhere to Berkeley’s sanctuary city policy and BPD Policy 415 and (2) report to the Council and the public the number of and reason for any official communication with ICE, USCIS, or any other federal immigration agency.

The Board may further consider questions or concerns raised by the public to BPD’s revised Policy 415 Immigration Policy or new Policy 1106. In particular, as a member of the Mayor’s Sanctuary City Task Force, I have heard questions regarding (1) the circumstances in which BPD sworn officers would provide emergency assistance to immigration enforcement officers (see Policy 1106.3 – Requests for Emergency Assistance from ICE/CBP), (2) the scope of duties that BPD may take with respect to traffic enforcement and crowd control in the event of First Amendment activities near a federal immigration enforcement action, (3) the duties of BPD sworn officers to intervene if they observe unlawful activity, and (4) the proper reporting and notification procedures for any requests for assistance or data from federal immigration authorities.

Additionally, on January 1, 2026, California’s SB 627, the “No Secret Police Act,”⁶ will take effect. SB 627 contains a provision directing all law enforcement to maintain a written policy prohibiting the use of facial coverings with some narrow exceptions and another provision making it a misdemeanor for a law enforcement officer to wear a facial covering in the performance of their duties, except as specified. There remains an open question what policies and procedures

³ October 28, 2025 Statement by Mayor Ishii “Update on the Federal Immigration Surge: Urgency Council Item Tonight”:

<https://static1.squarespace.com/static/67b8d475d123b10ecf9296c1/t/6900f896a7e4423668075650/1761671318944/Update+on+the+Federal+Immigration+Surge+-+Urgency+Council+Item+Tonight.pdf>

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

⁵ May 9, 2025 PAB Letter to Council: https://berkeleyca.gov/sites/default/files/documents/2025-05-09_PAB_Letter_to_Council_and_BPD_re_USCIS_Agreement_wAttachments.pdf

⁶ California Senate Bill 627: <https://legiscan.com/CA/text/SB627/id/3258331>

BPD officers will follow if masked federal immigration enforcement agents appear in Berkeley. The Board may also consider additional recommendations to Policy 415 in light of SB 627.

Chief Louis and the Berkeley Police Department have reiterated their commitment to upholding Berkeley's sanctuary city values. I too am fully committed to ensuring that Berkeley remains a Sanctuary City in principle and in practice. I strongly urge the Board to undertake this review. I have requested that the Chief or a designated appointee formally present the revised Policy 415 and new Policy 1106 to the Board and provide additional description of its revisions and the training that BPD sworn officers will complete to ensure compliance with the policies.

In solidarity,

Joshua Cayetano

Josh Cayetano | Chair
Police Accountability Board
City of Berkeley, CA

Cc: Hansel A. Aguilar, Director of Police Accountability

Attachments:

1. Updated BPD Policy 415 "Immigration Law"
2. Redline of BPD Policy 415 "Immigration Law"
3. New BPD Policy 1106 "Special Order 2025-0001 – Response to Incidents Involving Federal Civil Immigration Enforcement"

Dates and Deadlines for Board's Awareness

- If October 24 qualifies as the date of submission for purposes of Section 17(a) and (b), then the deadline to elevate a policy recommendation to a newly-revised or adopted policy is **December 24**.⁷
- Upcoming Council Meetings:
 - December 2, 2025
 - January 20, 2025

⁷ The Board retains jurisdiction to initiate a policy and practice review in its discretion.

Attachment 1
Updated BPD Policy 415 “Immigration Law”

Immigration Law

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Berkeley Police Department relating to immigration and interacting with federal immigration officials. This policy includes elements from the California Government Code 7284, also known as the California Values Act, and from Berkeley City Council Resolution No. 68,131-N.S., "City of Refuge Policy Regarding Interaction with U.S. Immigration and Customs Enforcement".

415.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

415.2 POLICY

It is the policy of the Berkeley Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public, in compliance with California law and Berkeley City Council policy. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

415.3 CITY COUNCIL RESOLUTIONS AND BERKELEY MUNICIPAL CODE

The City of Berkeley was declared by City Council resolution to be a City of Refuge in 1971. Subsequent City Council resolutions in 1986, 2007, 2016, and 2017 reaffirmed and built upon the original policy. Most recently, on September 30, 2025, City Council adopted Ordinance No. 7,984-N.S. which amended the Berkeley Municipal Code to add §13.114, which is incorporated within this policy in full below:

- A. No City Agency or Personnel shall use any City Resources to assist any Immigration Authority with Immigration Enforcement.
- B. No City Agency or Personnel shall deny access to any City services or benefits to residents based on Citizenship or Immigration Status.
- C. The prohibitions set forth in 13.114.030 (A) and (B) shall include but not be limited to:
 1. Assisting or cooperating with any Immigration Authority's investigation, detention, or arrest relating to Immigration Enforcement, including but not limited to any such actions in schools, after-school programs, hospitals, health centers, places of worship, non-profits, or city vendors, whether such actions are public or clandestine;

Berkeley Police Department

Law Enforcement Services Manual

Immigration Law

2. Identifying, investigating, interrogating, arresting, transferring, detaining, or continuing to detain a person for a purpose relating to Immigration Enforcement;
 3. Inquiring into, requesting, or collecting information about the Citizenship or Immigration Status, country of origin, nationality, or place of birth of any individual, unless that information is required (i) to provide a City service or (ii) for City employment verification;
 4. Disseminating or disclosing Protected Personal Information to Immigration Authorities in connection with Immigration Enforcement without a valid judicial warrant or subpoena issued by a court of competent jurisdiction;
 5. Complying with any civil immigration warrant or request to detain, transfer, or notify any federal authority about the release of any individual;
 6. Making individuals in City custody available to Immigration Authorities for interviews;
 7. Performing any functions of an immigration officer pursuant to Section 1357(g) of Title 8 of the United States Code;
 8. Consenting to an Immigration Authority's search of non-public areas of City property or non-public records, absent a valid judicial warrant or judicial subpoena issued by a court of competent jurisdiction.
 - (a) City Agency or Personnel shall immediately notify their supervisor of any request by an Immigration Authority to access any non-public City property or records.
- D. No City Agency or Personnel shall refer a person asking questions about their own Citizenship or Immigration Status to an Immigration Authority or any other government agency. Instead, the City Agency or Personnel shall refer such individuals to local non-profit immigration law organizations. A list of such organizations shall be compiled and disseminated at City buildings and on the City's website.

415.4 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or interacting with members of the Berkeley Police Department will not automatically lead to an immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members of the Berkeley Police Department shall treat all individuals equally and without regard to race, ethnicity or national origin in any way that would violate the United States or California constitutions.

415.5 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

Berkeley Police Department

Law Enforcement Services Manual

Immigration Law

415.5.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

415.5.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

415.6 DETENTIONS AND ARRESTS

An officer shall not investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including: inquiring into an individual's immigration status; detaining an individual on the basis of a hold request; providing information regarding a person's release date in response to a notification request from immigration authorities; providing personal information about an individual including but not limited to the individual home address or work address; making or participating in arrests based on civil immigration warrants; assisting immigration authorities in enforcement activities, or performing the functions of an immigration officer. (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws, or a related civil warrant, or for any violation of federal immigration laws (Government Code § 7284.6).

415.7 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration Enforcement and Removal Operations (ERO) officials for assistance from this department should be immediately directed to the Watch Commander. ICE's ERO is the principal immigration enforcement division. The Watch Commander shall be responsible for determining whether the requested assistance would be permitted under City policy and the California Values Act (Government Code § 7284.2 et seq.). The Watch Commander shall decline requests for assistance from ERO officials for immigration enforcement purposes, and notify the Chief of Police through the chain of command regarding the request as soon as practical.

Should a request be received for an urgent issue of officer safety or other emergency circumstance, the Communications Center should notify the Watch Commander or senior sergeant on duty, who should coordinate a response in order to make a scene safe, respond to the scene to manage the incident, and notify the Chief of Police through the chain of command as soon as practical.

Should a request be received for operational assistance from ICE's Homeland Security Investigations (HSI) unit, the Commander shall convey the request to the Chief of Police through

Berkeley Police Department

Law Enforcement Services Manual

Immigration Law

the chain of command for consideration. HSI investigates transnational crimes which can imperil local community safety, such as Counter-Terrorism, Child Exploitation, Human Trafficking/Human Smuggling and Transnational Gangs and Narcotics Trafficking. Assistance may be provided so long as the other provisions of this policy are followed.

415.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may only be made in connection with an outstanding criminal warrant.

415.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with an advisement that the Berkeley Police Department will not comply with the request (Government Code § 7283.1).

If, pursuant to court order, the Berkeley Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1). Unless required by federal or state law, or court order, the Berkeley Police Department shall not provide information to ICE about an individual's release date.

415.7.3 ICE INTERVIEWS

The Berkeley Police Department shall not provide ICE personnel access to the Berkeley jail to interview any individual in custody about civil immigration violations.

415.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members of the Berkeley Police Department shall not transfer an individual to immigration authorities.

415.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Detective Bureau Lieutenant or his/her designee shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2) - see also the Records Management Policy).

415.7.6 REPORTING TO BERKELEY CITY COUNCIL

The Support Services Division Captain, or their designee, shall document and report any request for information or assistance pursuant to BMC §13.114.040.

Berkeley Police Department

Law Enforcement Services Manual

Immigration Law

415.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status shall be forwarded in a timely manner to the Support Services Division Captain or his/her designee. The Support Services Division Captain or his/her designee shall:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k)(3).
 3. Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).
 4. Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
 1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).
- (e) Inform the victim liaison of any requests and their status.

Berkeley Police Department

Law Enforcement Services Manual

Immigration Law

415.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

415.8.2 REPORTING TO LEGISLATURE

The Support Services Division Captain shall ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

415.9 TRAINING

The Policy & Training Sergeant shall ensure that all appropriate members receive training on this policy.

Training regarding this policy should include:

- (a) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).
- (b) Prohibitions contained in Berkeley Municipal Code §13.114.
- (c) Procedures for evaluating and responding to emergency requests for assistance, requests from ERO officials, and requests from HSI officials.

Attachment 2
Redline of BPD Policy 415 “Immigration Law”

Immigration Law

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Berkeley Police Department relating to immigration and interacting with federal immigration officials. This policy includes elements from the California Government Code 7284, also known as the California Values Act, and from Berkeley City Council Resolution No. 68,131-N.S., "City of Refuge Policy Regarding Interaction with U.S. Immigration and Customs Enforcement".

415.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

415.2 POLICY

It is the policy of the Berkeley Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public, in compliance with California law and Berkeley City Council policy. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

415.3 CITY COUNCIL RESOLUTIONS AND BERKELEY MUNICIPAL CODE

The City of Berkeley was declared by City Council resolution to be a City of Refuge in 1971. Subsequent City Council resolutions in 1986, 2007, ~~and 2016, and 2017~~ reaffirmed and built upon the original policy. Most recently, on ~~July 25~~ September 30, 2017 ~~2025~~, City Council ~~provided city-wide policy under Resolution 68,131~~ adopted Ordinance No. 7,984- N.S. which amended the Berkeley Municipal Code to add §13.114, which is incorporated within this policy in full below:

- ~~(a) No department, agency, commission, officer or employee of the City of Berkeley shall use any City funds or resources to assist in the enforcement of Federal immigration law or to gather or disseminate information status of individuals in the City of Berkeley unless required by law.~~
- A. No City Agency or Personnel shall use any City Resources to assist any Immigration Authority with Immigration Enforcement.
- B. ~~(b) No department agency, commission, officer or employee~~ City Agency or Personnel shall deny access to any City services or benefits to residents ~~on the basis of their immigration status~~ based on Citizenship or Immigration Status.

- C. ~~(c)~~ The ~~prohibition~~ prohibitions set forth in 13.114.030 (A) and (B) shall include but ~~is~~ be limited to:
1. Assisting or cooperating, ~~in one's official capacity, with any Department of Homeland Security (DHS) with any Immigration Authority's~~ investigation, detention, or arrest procedures, relating to Immigration Enforcement, including but not limited to any such actions in schools, after-school programs, hospitals, health centers, places of worship, non-profits, or city vendors, whether such actions are public or clandestine, relating to alleged violations of the civil provision of federal immigration law, except as required by law.

Berkeley Police Department

Law Enforcement Services Manual

Immigration Law

2. Identifying, investigating, interrogating, arresting, transferring, detaining, or continuing to detain a person for a purpose relating to Immigration Enforcement;
 3. Inquiring into, requesting, or collecting information about the Citizenship or Immigration Status, country of origin, nationality, or place of birth of any individual, unless that information is required (i) to provide a City service or (ii) for City employment verification;
 4. Disseminating or disclosing Protected Personal Information to Immigration Authorities in connection with Immigration Enforcement without a valid judicial warrant or subpoena issued by a court of competent jurisdiction;
 5. Complying with any civil immigration warrant or request to detain, transfer, or notify any federal authority about the release of any individual;
 6. Making individuals in City custody available to Immigration Authorities for interviews;
 7. Performing any functions of an immigration officer pursuant to Section 1357(g) of Title 8 of the United States Code;
 8. Consenting to an Immigration Authority's search of non-public areas of City property or non-public records, absent a valid judicial warrant or judicial subpoena issued by a court of competent jurisdiction.
- ~~2. Requesting information about, or disseminating information regarding, the immigration status of any individual, except as required by law.~~
 - ~~3. Including on any application, questionnaire or interview form used in relation to benefits, services or opportunities provided by the City of Berkeley any question regarding immigration status.~~
 - ~~4. It is the policy of the City of Berkeley to not allow any individual or organization to enter City facilities if their presence would disrupt city operations. Because the City Council believes that ICE activities in city facilities would constitute a severe disruption to the provision of city services, any request by ICE to any City officer or employee shall be immediately forwarded to the site director/supervisor and the Department Director for review and consultation with the City Attorney to ensure the safety of City employees and residents accessing city services and compliance with applicable state and federal laws.~~
 - ~~5. Except in limited circumstances where ICE agents have a valid judicial warrant, after review and consultation with the Department Director and City Attorney, City departments, agencies, commissions, officers or employees are not required to:

 - ~~• Cooperate with ICE agents~~
 - ~~• Answer ICE agents' questions~~
 - ~~• Comply with an ICE Administrative Warrant~~
 - ~~• Immediately comply with a subpoena served by ICE agents~~
 - ~~• Speak with ICE agents at all~~~~
- (a) City officers or employees shall not consent to a warrantless search by

Berkeley Police Department

Law Enforcement Services Manual

Immigration Law

~~ICE agents of a non-public area or~~ Agency or Personnel shall immediately notify their supervisor of any request by an Immigration Authority to access any non-public City property or records.

~~Employees must immediately notify site director/supervisor to report the interaction or warrants served. The site director/supervisor must immediately notify the Department Director for review and consultation with the City Attorney.~~

- D. ~~6. If any~~ No City resident has questions regarding their immigration status, ~~City staff shall not refer them to Immigrations and Customs Enforcement~~ Agency or Personnel shall refer a person asking questions about their own Citizenship or Immigration Status to an Immigration Authority or any other government agency. Instead, ~~the~~ the City ~~staff~~ Agency or Personnel shall refer such individuals to local non-profit immigration law organizations. A list of such organizations shall be compiled and disseminated at City buildings and on the ~~City's website.~~ The City Manager is also encouraged to increase and enhance partnerships with community-based organizations, legal service providers, and educational institutions to provide resources for families and City residents facing deportation or other adverse immigration actions. City's website.
- ~~7. All requests for documents by ICE to City personnel shall be immediately forwarded to the Department Director for review and consultation with the City Attorney to ensure the safety of City employees and residents, and compliance with applicable state and federal laws.~~

Berkeley Police Department

Law Enforcement Services Manual

Immigration Law

415.4 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or interacting with members of the Berkeley Police Department will not automatically lead to an immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members of the Berkeley Police Department shall treat all individuals equally and without regard to race, ethnicity or national origin in any way that would violate the United States or California constitutions.

415.5 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

Berkeley Police Department

Law Enforcement Services Manual

Immigration Law

415.5.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)
Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

415.5.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES
Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

415.6 DETENTIONS AND ARRESTS

An officer shall not investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including: inquiring into an individual's immigration status; detaining an individual on the basis of a hold request; providing information regarding a person's release date in response to a notification request from immigration authorities; providing personal information about an individual including but not limited to the individual home address or work address; making or participating in arrests based on civil immigration warrants; assisting immigration authorities in enforcement activities, or performing the functions of an immigration officer. (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws, or a related civil warrant, or for any violation of federal immigration laws (Government Code § 7284.6).

415.7 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration Enforcement and Removal Operations (ERO) officials for assistance from this department should be immediately directed to the Watch Commander. ICE's ERO is the principal immigration enforcement division. The Watch Commander shall be responsible for determining whether the requested assistance would be permitted under City policy and the California Values Act (Government Code § 7284.2 et seq.). The Watch Commander shall decline requests for assistance from ERO officials for immigration enforcement purposes, and notify the Chief of Police through the chain of command regarding the request as soon as practical.

Should a request be received for an urgent issue of officer safety or other emergency circumstance, the Communications Center should notify the Watch Commander or senior sergeant on duty, who should coordinate a response in order to make a scene safe, respond to the scene to manage the incident, and notify the Chief of Police through the chain of command as soon as practical.

Berkeley Police Department

Law Enforcement Services Manual

Immigration Law

Should a request be received for operational assistance from ICE's Homeland Security Investigations (HSI) unit, the Commander shall convey the request to the Chief of Police through

Berkeley Police Department

Law Enforcement Services Manual

Immigration Law

the chain of command for consideration. HSI investigates transnational crimes which can imperil local community safety, such as Counter-Terrorism, Child Exploitation, Human Trafficking/Human Smuggling and Transnational Gangs and Narcotics Trafficking. Assistance may be provided so long as the other provisions of this policy are followed.

415.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may only be made in connection with an outstanding criminal warrant.

415.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with an advisement that the Berkeley Police Department will not comply with the request (Government Code § 7283.1).

If, pursuant to court order, the Berkeley Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1). Unless required by federal or state law, or court order, the Berkeley Police Department shall not provide information to ICE about an individual's release date.

415.7.3 ICE INTERVIEWS

The Berkeley Police Department shall not provide ICE personnel access to the Berkeley jail to interview any individual in custody about civil immigration violations.

415.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members of the Berkeley Police Department shall not transfer an individual to immigration authorities.

415.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Detective Bureau Lieutenant or his/her designee shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2) - see also the Records Management Policy).

415.7.6 REPORTING TO BERKELEY CITY COUNCIL

The Support Services Division Captain, or their designee, shall document and report any request for information or assistance pursuant to BMC §13.114.040.

Berkeley Police Department
Law Enforcement Services Manual

Immigration Law

415.8 U VISA AND T VISA ~~NON-IMMIGRANT~~NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Berkeley Police Department

Law Enforcement Services Manual

Immigration Law

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status shall be forwarded in a timely manner to the Support Services Division Captain or his/her designee. The Support Services Division Captain, or his/her designee shall:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k) (3).
 3. Form I-914 Supplement B ~~certification~~declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).
 4. Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
 1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).
- (e) Inform the victim liaison of any requests and their status.

Berkeley Police Department

Law Enforcement Services Manual

Immigration Law

415.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within ~~90~~30 days of a request from the victim ~~or victim's family~~, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within ~~14~~seven days of the first business day following the day the request was received.

415.8.2 REPORTING TO LEGISLATURE

The Support Services Division Captain shall ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

Berkeley Police Department

Law Enforcement Services Manual

Immigration Law

415.9 TRAINING

The ~~Personnel and~~[Policy &](#) Training Sergeant shall ensure that all appropriate members receive training on this policy.

Training regarding this policy should include:

- (a) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).
- (b) Prohibitions contained in Berkeley ~~City Council Resolution 68,131-N.S~~[Municipal Code §13.114](#).
- (c) Procedures for evaluating and responding to emergency requests for assistance, requests from ERO officials, and requests from HSI officials.

Summary report: Litera Compare for Word 11.3.0.46 Document comparison done on 10/27/2025 8:42:28 AM	
Style name: OMM Standard	
Intelligent Table Comparison: Active	
Original filename: BPD Policy 415 (Old).docx	
Modified filename: Immigration Law (ISSUED 10-24-25).docx	
Changes:	
<u>Add</u>	83
Delete	62
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	145

Attachment 3

New BPD Policy 1106 “Special Order 2025-0001 – Response to Incidents Involving Federal Civil Immigration Enforcement”

SPECIAL ORDER 2025-0001: RESPONSE TO INCIDENTS INVOLVING FEDERAL CIVIL IMMIGRATION ENFORCEMENT

1106.1 PURPOSE

This Departmental Order provides guidance to all members of the Berkeley Police Department (BPD) who may encounter situations involving federal civil immigration enforcement. It reiterates the Department's obligations under California law (Government Code § 7284 et seq.), the City of Berkeley Sanctuary City Ordinance § 13.114, and BPD Policy 415 (Immigration Law).

The Berkeley Police Department remains steadfast in its commitment to maintaining public safety while protecting the rights and dignity of all people, regardless of immigration status. The Department does not engage in civil immigration enforcement and will not use City resources to assist in such activity, except as required by law or necessary to address an imminent threat to life or safety.

This Departmental Order is a living directive. Circumstances and best practices will continue to evolve, and this Order may be updated as we learn from operational experience and engagement with regional and community partners to ensure it remains effective and aligned with our mission.

1106.2 RESPONSE TO CALLS FOR SERVICE

Members may be dispatched to calls for service that, upon arrival, appear related to federal immigration enforcement activity (e.g., reports of suspicious persons, detentions, or tensions between the public and federal agents).

1106.2.1 WHEN RESPONDING

The primary responsibility of BPD is to ensure public safety, de-escalate conflict, and protect life and property. Members shall not participate in or facilitate any civil immigration enforcement action. If uncertain whether the activity is immigration related, members shall request a Watch Commander's response. Members shall act in a neutral and transparent manner, consistent with Policy 415.5 (Immigration Inquiries Prohibited) and Policy 415.7 (Federal Requests for Assistance).

Members should remain aware that immigration enforcement activity, whether real or perceived, may generate heightened community tension, demonstrations, or counter-protests. In some cases, individuals or groups may engage in acts of aggression or violence directed toward law enforcement personnel. Officers should remain vigilant and prioritize their personal safety and the safety of others when responding to any calls related to potential federal immigration activity, or while conducting routine patrols during periods when such federal operations may be occurring.

Berkeley Police Department

Law Enforcement Services Manual

SPECIAL ORDER 2025-0001: RESPONSE TO INCIDENTS INVOLVING FEDERAL CIVIL IMMIGRATION ENFORCEMENT

1106.2.2 MEMBER RESPONSIBILITIES

- A. Department members shall not cooperate with or assist federal authorities (ICE, CBP, or other immigration agencies) in any investigation, detention, or arrest relating solely to civil immigration law.
- B. Members shall not interfere with lawful federal operations, and must maintain separation, acting only as necessary to address an urgent issue of officer safety or other emergency circumstances.
- C. Authorized actions may include rendering aid, responding to criminal activity, traffic control or de-escalation in support of community safety, or communicating with the public.
- D. Members shall activate their Body-Worn Camera (BWC) and document any contact or incident involving federal agents in an incident report.
- E. If individuals on-scene are not readily identifiable as federal agents, members should, when safe and practical, attempt to verify credentials with the lead agent on scene or supervisor and capture the verification process on BWC.
- F. Members shall immediately notify the Watch Commander upon identifying any incident involving federal immigration enforcement activity within City limits.
- G. Members shall complete an incident report describing the nature of the incident and actions taken.

1106.2.3 WATCH COMMANDER OR SENIOR SERGEANT RESPONSIBILITIES

- A. Watch Commanders (Senior Sergeant if Watch Commander is unavailable) shall respond to calls or incidents potentially involving federal immigration enforcement.
- B. To ensure proper oversight and appropriate response to incidents, Watch Commanders shall respond to the scene and confirm that assistance is warranted.
- C. Watch Commanders shall ensure credential verification of the on-scene lead federal agent or supervisor (if safe and practical), attempt to determine the lawful authority of their operation, and compliance with Policy 415 and City ordinance requirements, and immediate notification through the chain of command to the Chief of Police, as required under BMC § 13.114.404(A).
- D. Watch Commanders or their designee shall ensure incident reports are forwarded to the Chief of Police via the chain of command after any request from ICE, CBP, or other federal immigration authority for information or assistance; contact or inquiry relating to immigration status; or request for emergency response or coordination.

1106.2.4 IMPERSONATION OF PEACE OFFICER OR FEDERAL AGENT

Reports of individuals impersonating peace officers or federal agents may constitute criminal violations under California Penal Code § 538d or 18 U.S.C. § 912. Members are authorized to investigate and, when appropriate, detain or arrest such individuals. Documentation shall include the suspected offense and credential verification findings.

Berkeley Police Department

Law Enforcement Services Manual

SPECIAL ORDER 2025-0001: RESPONSE TO INCIDENTS INVOLVING FEDERAL CIVIL IMMIGRATION ENFORCEMENT

1106.2.5 COMMUNICATION WITH THE PUBLIC

Members should clearly communicate with community members, reassuring them that the BPD does not participate in federal civil immigration enforcement. The Department's presence at any such event is solely to ensure public safety, while reaffirming Berkeley's sanctuary commitments. Members shall not make media statements or express personal views on behalf of the Department regarding immigration related incidents or operations. All media inquiries shall be directed to the City or BPD Public Information Officer (PIO) for coordinated and consistent messaging. While members are encouraged to engage with the community to build trust and transparency, formal communication with the media must occur through PIO channels to ensure accuracy and policy alignment.

1106.3 REQUESTS FOR EMERGENCY ASSISTANCE FROM ICE/CBP

Members may provide emergency assistance to federal immigration agencies only to the extent necessary to address an urgent issue of officer safety or other emergency circumstances, consistent with Policy 415.7. Possible examples include an officer involved shooting, or an officer down or in need of emergency assistance.

1106.3.1 MEMBER RESPONSIBILITIES

Members who observe an immigration enforcement operation or federal agents in Berkeley shall immediately notify a Watch Commander.

Members who respond to an immigration enforcement operation shall complete an incident report describing the nature of the emergency, actions taken, and document that assistance was limited to addressing an imminent threat, not immigration enforcement.

All incidents involving requests for assistance from ICE/CBP must be reported through the chain of command to the Chief of Police, consistent with BMC § 13.114.404(C).

1106.4 SCENARIOS THAT BPD STAFF MAY ENCOUNTER AT THE PUBLIC SAFETY BUILDING

1106.4.1 JAIL CONSIDERATIONS

If federal authorities arrive at the BPD Jail to book a person for an immigration violation, the detained individual will not be accepted for booking. BPD does not contract with or perform duties on behalf of federal immigration agencies. Federal immigration officers are not authorized to enter any non-public areas of the facility, including secured gates and the sallyport. Should they attempt to enter, they will be denied access, and the Watch Commander shall be notified immediately. No booking or intake process will occur.

1106.4.2 FRONT COUNTER CONSIDERATIONS

If federal authorities arrive at the PSB Front Counter or After-Hours Jail Window seeking an individual, requesting information or assistance, the matter shall be treated as a non-emergency request and referred to the Watch Commander for direction. Pursuant to Policy 415.7.1, no individual shall be detained based solely on a federal immigration detainer, and the BPD shall not transfer custody of any individual to federal immigration authorities.

Berkeley Police Department

Law Enforcement Services Manual

SPECIAL ORDER 2025-0001: RESPONSE TO INCIDENTS INVOLVING FEDERAL CIVIL IMMIGRATION ENFORCEMENT

1106.4.3 COMMUNICATION CENTER CONSIDERATIONS

If the Communications Center receives a call regarding immigration enforcement activity occurring within Berkeley, the call shall be treated as a non-emergency unless an emergency appears to be in progress. All such inquiries or potential calls for service shall be directed to the Watch Commander for direction. Members may provide emergency assistance to federal immigration agencies only when necessary to safeguard life or prevent serious injury, consistent with Policy 415.7. Examples include incidents such as an officer involved shooting, an officer down, or other situations requiring immediate emergency response.

1106.4.4 FEDERAL AGENCY WARRANTS

Members should be familiar with the October 2025 Know Your Rights guidance from the City Attorney's Office. ([See attachment: KYR One Pager.pdf](#)) This document provides information on how staff should respond if federal immigration officials contact City employees or seek access to City facilities, including the PSB. Members are directed to review the attachment carefully and follow the outlined protocols should such situations arise.

All incidents involving requests for assistance from federal immigration authorities must be reported through the chain of command to the Chief of Police, consistent with BMC § 13.114.404(C).

This Order will remain in effect until it is rescinded or issued in the form of a policy.

Jennifer Louis

Chief of Police

Issued: October 24, 2025

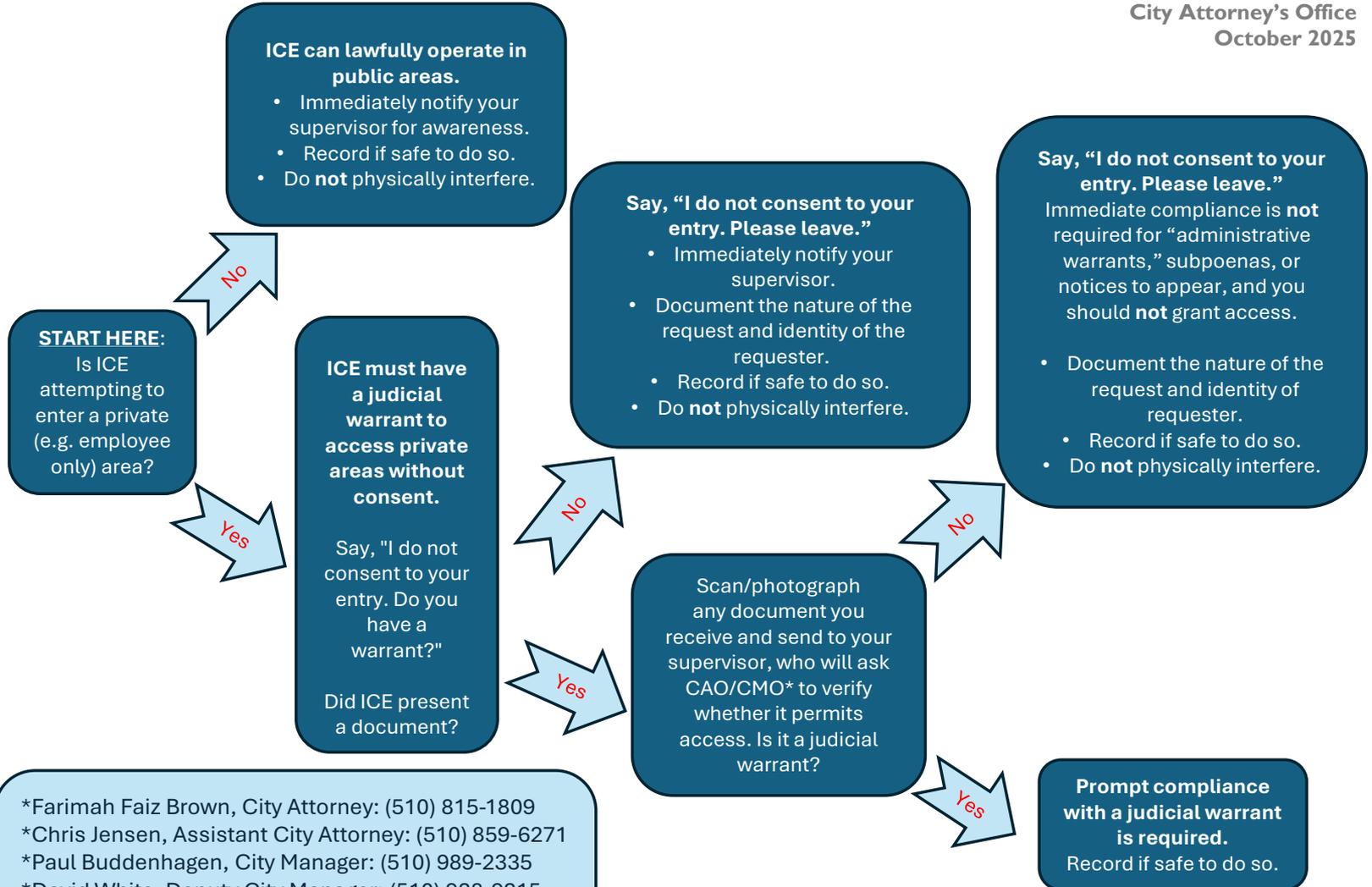
Attachments

KYR One Pager.pdf

1. Federal immigration authorities can lawfully operate in public areas.
2. However, if they try to access a private area, say, “I do not consent to your entry. I need to call my supervisor. Do you have a warrant?” Scan or take a photo of the warrant and send to your supervisor.
3. Call your supervisor right away, who must notify the City Attorney’s Office and the City Manager’s Office. The CAO/CMO will verify whether the document is a valid judicial warrant that permits the authorities to enter or not.
 1. Farimah Faiz Brown, City Attorney: (510) 815-1809
 2. Chris Jensen, Assistant City Attorney: (510) 859-6271
 3. Paul Buddenhagen, City Manager: (510) 989-2335
 4. David White, Deputy City Manager: (510) 928-9215
4. Document information about the officers’ title, agency affiliation, and the nature of their request. Record their actions if safe to do so.
5. Do not answer officers’ questions or give them access to non-public areas or records without approval.
6. Do not physically interfere even if the officer disregards your requests. Stay calm and prioritize your safety.

What to do when you encounter a federal immigration officer at work





*Farimah Faiz Brown, City Attorney: (510) 815-1809
 *Chris Jensen, Assistant City Attorney: (510) 859-6271
 *Paul Buddenhagen, City Manager: (510) 989-2335
 *David White, Deputy City Manager: (510) 928-9215

Your personal safety is the top priority.
If you feel unsafe, call Berkeley Police (510) 981-5911

What to do when you encounter a federal immigration officer at work



U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

IMPORTANT: An arrest warrant only permits an arrest of the indicated person, NOT a search of any of private property. If an officer attempts to search your house with only an arrest warrant, you may refuse

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

This warrant is only valid to arrest the person indicated here

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

Must be signed by an immigration officer to be valid

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

on _____ (Name of Alien) on _____ (Date of Service), and the contents of this

notice were read to him or her in the _____ (Language) language.

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

Administrative Warrant
Prompt compliance is **not** required, and you should **not** provide access.



Item 9.e.

October 31, 2025 memo from the ODPA to the PAB titled "Update on the ODPA's proposals considered by the City Council at their September 30th Regular Meeting as items 17 and 18"



MEMORANDUM

Date: October 31, 2025
 To: Honorable Members of the Police Accountability Board (PAB)
 From: Hansel A. Aguilar, Director of Police Accountability *Ha*
 Subject: Update on the ODPa's proposals considered by the City Council at their September 30th Regular Meeting as items 17 and 18

The purpose of this memorandum is to provide an update on the ODPa's proposals considered by the City Council at their September 30th Regular Meeting as items 17 and 18¹.

Background:

On August 29, 2024 the Office of the Director of Police Accountability (ODPA) submitted to Council a Companion Report² to supplement the Police Accountability Board's (PAB) independent investigation report of the Berkeley Police Department (BPD) texting scandal³. On February 25, 2025 the reports were presented at the Public Safety Policy Committee (PSPC) of the Council, where they received a negative qualified recommendation. On April 15, 2025 the reports were presented at the Regular Council meeting. Neither of those presentations and the Council dialogue had meaningful or substantive dialogue of the companion report, but rather focused on the PAB's report. To that end, on September 15, 2025 the ODPa resubmitted the companion report for Council "reconsideration", highlighting two of the recommendations made in the report:

- Resolution calling on the California state legislature to amend Government Code Section 12519 to allow heads of civilian oversight agencies to directly request

¹ Berkeley City Council Agenda Packet for September 30, 2025: <https://berkeleyca.gov/sites/default/files/city-council-meetings/2025-09-30%20Agenda%20Packet%20-%20Council%20%28WEB%29.pdf>

² 2024 ODPa Report "ODPA Companion Report to Berkeley Police Department Texting Allegations: An Independent Investigation by the Police Accountability Board: Companion Report to Berkeley Police Department Texting Allegations: An Independent Investigation by the Police Accountability Board": https://berkeleyca.gov/sites/default/files/documents/3.%202024-08-29%20ODPA%20Companion%20Report_FINAL.pdf

³ 2024 PAB Report "Berkeley Police Department Texting Offenses: An Independent Investigation by the Police Accountability Board": https://berkeleyca.gov/sites/default/files/documents/2024-08-29%20BPD%20Texting%20Offenses_PAB%20Investigation%20Report_Final.pdf

investigative assistance from the Attorney General's Office

- Resolution directing the City Manager to work with the City Attorney's Office to establish a communications policy, corresponding training, and compliance mechanism to ensure impartiality and neutrality during the pendency of an active personnel investigation

Before presenting to the Council on September 30, 2025, the ODPa shared these recommendations with the PAB on September 3, 2025. At that meeting, the PAB voted to support the ODPa's recommendation to establish a communications policy but did not take a position on the other recommendations.

Council Action:⁴

At the City Council's September 30th meeting, Council took the following actions as to the ODPa's recommendations:

- **Item 17:** Resolution calling on the California state legislature to amend Government Code Section 12519 to allow heads of civilian oversight agencies to directly request investigative assistance from the Attorney General's Office
 - **Council Action:** : 0 speakers. Presentation made and discussion held. M/S/C (Ishii/Kesarwani) **to take no action on Item 17.**
 - **Vote:** Ayes – Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Humbert, Ishii; Noes – None; Abstain – Lunaparra; Absent – None.
- **Item 18:** Resolution directing the City Manager to work with the City Attorney's Office to establish a communications policy, corresponding training, and compliance mechanism to ensure impartiality and neutrality during the pendency of an active personnel investigation
 - **Council Action:** 3 speakers. M/S/C (Ishii/Tregub) to **refer the item to the City Attorney with direction to prepare a memorandum to City staff and the City Council addressing the applicable legal doctrines related to due process, pending investigations, and other related matters.**
 - **Vote:** All Ayes.

⁴ Berkeley City Council Annotated Agenda for September 30, 2025: <https://berkeleyca.gov/sites/default/files/city-council-meetings/2025-09-30%20Annotated%20Agenda%20-%20Council.pdf>

Item 9.f.

October 31, 2025 memo from the ODPa to the PAB titled "Notice of the Upcoming FY 2027–FY 2028 Biennial Budget Cycle"



MEMORANDUM

Date: October 31, 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
 Subject: Notice of the Upcoming FY 2027–FY 2028 Biennial Budget Cycle

The purpose of this memorandum is to inform the PAB of the upcoming FY 2027–FY 2028 Biennial Budget Cycle so that the Board may determine whether to exercise its discretionary Charter authority under Berkeley City Charter Sections 125(4)(b)¹ and 125(21)².

Background:

The City Charter requires the City Manager to present an annual estimate of the City’s financial needs for the upcoming year and for the City Council to adopt an Annual Appropriations Ordinance establishing expenditure limits by fund.³ Independent Charter officers also present to Council their budget proposals for the operations of their respective offices. For the PAB and ODPa, the authority to propose their own budget stems from Berkeley City Charter Section 125(4)(b). Fiscal Years (FY) 2027 and 2028, the City will again develop a Biennial Budget.

This budget cycle presents significant challenges. The City is projecting a structural General Fund deficit of approximately \$28 million in FY 2027 and \$29 million in FY 2028, with the potential for further increases following baseline adjustments.⁴ In response, the City is initiating the budget process earlier than in previous cycles. Budget

¹ Berkeley City Charter Section 125(4)(b): [https://berkeley.municipal.codes/Charter/125\(4\)\(b\)](https://berkeley.municipal.codes/Charter/125(4)(b))

² Berkeley City Charter Section 125(21): [https://berkeley.municipal.codes/Charter/125\(21\)](https://berkeley.municipal.codes/Charter/125(21))

³ Berkeley City Charter Section 54, Annual Budget: <https://berkeley.municipal.codes/Charter/54>

⁴ September 11, 2025 City of Berkeley FY 27 – FY 28 Budget and Finance Presentation: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-09-11%20Item%2003%20FY%2027-28%20Biennial%20Budget%20Process%20and%20Overview%20-%20Pres.pdf>

instructions that are typically released in January are being issued in October to allow additional time for strategic analysis, innovation, and refinement.

Pursuant to Berkeley City Charter Sections 125(4)(b) and 125(21), the PAB may propose its own budget to the City Council, which may allocate funding as resources permit to support the Board's operations, independence, and statutory responsibilities. Additionally, the Board may review and provide recommendations on the Police Department's budget; however, its review does not affect the overall budget timeline. The PAB first exercised its authority in 2025 when it established a Budget Subcommittee which made recommendations to Council for the FY 2025 – 2026 BPD Budget.⁵

Recommendation:

Given the sustained community interest, the PAB should consider exercising its authority to review the budgets of the BPD, ODP, and the PAB itself. If the PAB elects to adopt this recommendation, it may conduct the review through one or more of the following approaches:

- Review the relevant budgets collectively as a body during a public meeting.
- Establish a subcommittee to examine the budgets and develop recommendations for formal adoption by the PAB.
- Designate a board member to review the budgets and present recommendations for the PAB's consideration and formal adoption.

⁵ 2024 Findings and Recommendations Regarding the Berkeley Police Department's (BPD) FY 2025 – 2026 Budget: https://dev.berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2024-05-08%20PAB%20Regular%20Meeting%20Supplemental%20Packet_Final.pdf#:~:text=Subject%3A%20Findings%20and%20Recommendations%20Regarding%20the%20Berkeley%20Police,authority%20granted%20by%20Berkeley%20City%20Charter%20Section%20125%2821%29.

Off-Agenda 1

Legislative Updates Relevant to the PAB's Work

Updated October 31, 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 October 30, 2025, the Police Accountability Board (PAB) has six (6) open policy reviews. There has been no new policy review submitted to the PAB since the last regular meeting on September 17, 2025.

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

Policy Review Number	2023-PR-0007 ²
Policy Topic	Restraining Orders & Interactions with the Elderly
Relevant Policy	BPD Policy 313 "Senior and Disability Victimization" BPD Policy 430 "Civil Disputes"
Status	Review In Progress; Records Obtained
Date Presented to the PAB	7/24/2024
Anticipated Completion	March 5, 2025
Assigned To	ODPA
Summary	

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

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 October 31, 2025

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

Activity Report

The ODPa staff is finalizing the report and is slated for presentation at the PAB's December 3, 2025 Special Meeting.

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

Summary

The complainant expresses concerns about off-duty police officers exhibiting harmful behavior and recommends improving the Police Accountability Board's oversight of off-duty conduct, including anti-racist hiring practices, stronger discipline measures, and increased transparency on racial profiling. They highlighted relevant policies and noted that the PAB is considering a subcommittee dedicated to off-duty law enforcement actions.

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

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

Updated October 31, 2025

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

Policy Review Number	2025-PR-0001
Policy Topic	Contact Between Complaint Subject Officer and Complainant During Calls for Service
Relevant Policy	BPD Policy 1004 "Anti-Retaliation" BPD Policy 1010 "Personnel Complaints"
Status	Open
Date Presented to the PAB	02/19/2025
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB Member w/ Support of ODPA
Summary	
The Complainant reported two interactions with BPD in January 2025, involving officers who were either subjects of their prior complaints to the PAB or involved in other litigation. They expressed concerns about potential retaliation or bias, believing they should not interact with officers they had previously filed complaints against.	
Activity Report	
Board Member Calavita updated the PAB during its regular meeting on April 23, 2025. Policy Analyst Murillo and Board Member Calavita will collaborate to draft potential language and consult with BPD about feasibility and any potential concerns. ODPA Staff drafted and forwarded that request on May 12, 2025 and is awaiting a response.	

Policy Review Number	2025-PR-0004
Policy Topic	Public Recording of Police Activity
Relevant Policy	BPD Policy 426 "Public Recording of Police Activity"
Status	Open
Date Presented to the PAB	6/25/2025
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.

Updated October 31, 2025

Assigned To	PAB Member w/ Support of ODPa
Summary	
<p>The Complainant expressed concerns with the Berkeley Police Department's General Order D-2, "Public Recording of Police Activity," (now BPD Policy 426) following an incident on June 4, 2025, in which they allege they were physically prevented by three officers from observing and documenting police activity at 8th and Harrison Street. The Complainant argues that the policy fails to clearly affirm the First Amendment rights of onlookers and does not adequately direct officers to limit the use of "police lines" to situations where such restrictions are necessary for officer safety or to protect the integrity of an investigation.</p>	
Activity Report	
<p>Board Member Calavita reviewed BPD Policy 426 and identified sections that may merit closer examination. ODPa staff is providing support by comparing policies from other jurisdictions and researching best practices.</p>	

Policy Review Number	2025-PR-0005
Policy Topic	Encampment Clearing Operations
Relevant Policy	Practice and procedure review
Status	Open
Date Presented to the PAB	6/25/2025
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB Subcommittee
Summary	
<p>The Complainant raised concerns about a June 4, 2025, multi-department operation at an encampment on 8th and Harrison Streets, alleging excessive force, improper use of less-lethal weapons, suppression of public observation, and lack of notice to residents in violation of due process. They further argued that accountability should extend beyond individual officers to command staff who design and authorize operational plans, and recommended the PAB adopt policies creating a new category of misconduct for such leadership decisions.</p>	
Activity Report	
<p>The subcommittee has met and identified preliminary data and information needs. ODPa staff collected the requested materials and provided them to the subcommittee.</p>	

Updated October 31, 2025

The following policy reviews have been temporarily suspended and will be reconsidered at the 2026 PAB Planning Session

Policy Review No.	Topic
2487	Involuntary Injections / Medical Care
2488	Use of Force During Arrest
17	Mental Health Response Use of Force
2023-PR-0006	Parking Enforcement Practices
2023-PR-0009	Use of Force – Handcuffing
2024-PR-0005	Downtown Ambassador Program
2024-PR-0006	Specialized Care Unit

Off-Agenda 2
Policy Review Status Updates

Public



MEMORANDUM

Date: November 1, 2025
To: Honorable Members of the Police Accountability Board
From: Hansel Aguilar, Director of Police Accountability *Ha*
 Jose Murillo, ODPa Policy Analyst
Subject: Legislative Updates

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

State Legislative 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>(Passed) 2025-10-01</i> - <i>Chaptered by Secretary of State. Chapter 218, Statutes of 2025.</i> Takes effect immediately.	This bill, SB 385, requires peace officers hired on or after January 1, 2029, to obtain a modern policing degree or a bachelor's or advanced degree from an accredited institution within 36 months of employment. It builds on existing certification and education requirements and takes effect immediately as an urgency statute.
<u>AB1178 “Peace Officers”</u>	<i>(Passed) 2025-10-11</i> - <i>Chaptered by Secretary of State -</i>	This bill expands redaction requirements under the California Public Records Act, requiring law enforcement agencies to remove identifying details of undercover

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

<u>Confidentiality of Records”</u>	<i>Chapter 635, Statutes of 2025.</i> <i>Takes effect January 1, 2026.</i>	officers, task force members, and those with verified death threats. It imposes a state-mandated local program and includes legislative findings justifying access limitations.
<u>SB707 “Open Meetings: Meeting and teleconference requirements”</u>	<i>(Passed) 2025-10-03 - Chaptered by Secretary of State. Chapter 327, Statutes of 2025.</i> <i>Takes effect January 1, 2026.</i>	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.
<u>SB-627 “Law enforcement: masks.”</u>	<i>(Passed) 2025-09-20 - Chaptered by Secretary of State. Chapter 125, Statutes of 2025.</i> <i>Takes effect January 1, 2026.</i>	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.
<u>SB524 “Law Enforcement Agencies: Artificial Intelligence”</u>	<i>(Passed) 2025-10-10 - Chaptered by Secretary of State. Chapter 587, Statutes of 2025.</i> <i>Took effect October 10, 2025</i>	This bill requires law enforcement agencies to adopt policies on the use of AI in preparing official reports, including disclosure statements, officer signatures, retention of AI-generated drafts, and audit trails. It also restricts vendors from using agency data and provides for state reimbursement of mandated local costs.

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

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

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

Lexipol Policy Updates

The following BPD policies have been updated since the last PAB regular meeting on September 17, 2025:

Policy	Change	Link
BPD Policy 415 “Immigration Law”	Section 415.3 “City Council Resolution” was struck and replaced by a new Section 415.3 “City Council Resolution and Berkeley Municipal Code”. Section 415.7.6 was added as a new section.	Not yet available via public link.
BPD Policy 1106 “Special Order 2025-0001: Response to Incidents Involving Federal Civil Immigration Enforcement”	This Departmental Order provides guidance to all members of the Berkeley Police Department (BPD) who may encounter situations involving federal civil immigration enforcement. It reiterates the Department's obligations under California law (Government Code § 7284 et seq.), the City of Berkeley Sanctuary City Ordinance § 13.114, and BPD Policy 415 (Immigration Law).	Not yet available via public link.

City of Berkeley Council Meeting Updates

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

Agenda and Rules Committee Meeting of November 3, 2025

Draft Agenda for November 18, 2025 Council Regular Meeting

Agenda Link: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2025-11-03%20Agenda%20Packet%20-%20Agenda%20Committee.pdf>

Item No.	Item Description	Recommendation
8	Amendment: FY 2026 Annual Appropriations Ordinance	Adopt first reading of an Ordinance amending the FY 2026 Annual Appropriations Ordinance No. 7,977 –N.S. for fiscal year 2026 based upon recommended reappropriation of committed FY 2025 funding and other adjustments authorized since July 1, 2025.
15	Adoption of Side Letter Agreement with Berkeley Police Association to Clarify the Calculation and Reporting of Special Compensation Under CalPERS Regulations	Adopt a Resolution approving the Side Letter Agreement between the City of Berkeley and the Berkeley Police Association (BPA) to clarify and confirm the compounding and reporting of special compensation under CalPERS regulations.
26	Unmanned Aerial Systems and Drones as First Responders	Refer to the City Manager the initiation of the process outlined by BMC 2.99: Surveillance Technology Ordinance (STO) for the Berkeley Police Department (BPD) to acquire and use Unmanned Aerial Systems (UAS), including Drones as First Responders (DFR), consistent with all auditing, transparency, data and privacy protections required for all use policies and acquisition reports under the STO.
30	Sanctuary City Contracting Ordinance Updates	Adopt the proposed amendments to the Sanctuary City Contracting

Public

	Ordinance (BMC 13.105) to mirror key definitions with the language in the new Sanctuary City Ordinance and shorten the Right to Cure time period from 90 days to 30 days.
--	---

Budget and Finance Committee Meeting of November 6, 2025

Agenda Link: <https://berkeleyca.gov/your-government/city-council/council-committees/policy-committee-budget-finance>

Item No.	Item Description	Recommendation
2	First Amendment to the FY 2026 Annual Appropriations Ordinance	N/A

City Council Regular Meeting of November 10, 2025

Agenda Link: <https://berkeleyca.gov/city-council-regular-meeting-eagenda-november-10-2025>

Item No.	Item Description	Recommendation
2	Contract: Tablet Command for Mobile CAD and Incident Command	Adopt a Resolution authorizing the City Manager or their designee to enter into a contract and any amendments with Tablet Command for Mobile CAD and Incident Command by piggybacking on a contract with the City of Long Beach. The Berkeley contract will be effective November 5, 2025, and end on September 21, 2027, in an amount not to exceed \$135,000 which includes one-time startup costs. The contract may be extended for three additional one-year periods at a cost not to exceed \$85,000 per year.
11	Annual Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Parking Enforcement Officer Automated License Plate Readers, the Street	Pursuant to Chapter 2.99 of the Berkeley Municipal Code, adopt a Resolution accepting the Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Automated License Plate

	<u>Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License Plate Readers</u>	Readers, the Street Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License Plate Readers.
--	--	--

Off-Agenda 3
List of Pending PAB Request



MEMORANDUM

Date: October 31, 2025
To: Honorable Members Police Accountability Board (PAB)
From: Hansel Aguilar, Director of Police Accountability (DPA) *HJA*
 Jose Murillo, ODPa Policy Analyst
 Syed Mehdi, ODPa Data Analyst
Subject: Summary of PAB Requests (January 2025 - November 2025)

This memorandum summarizes ten requests that remain active made by the Police Accountability Board (PAB) during Seventeen meetings held between January 8, 2025, and September 29, 2025. Fifteen of which were PAB Regular Meetings and two were PAB Special Meetings. The distribution of requests by stakeholder is as follows: Eight 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, one to the City Clerk's Office, and one to the City Attorney's Office. This consolidated log supports clearer tracking, coordination, and follow-up by all relevant parties.

PAB Requests (Jan 2025 – September 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=Go90zuEmVgEhNRjH 1/8/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%202025-01-08%20Regular%20MeetingMinutes.pdf	ODPA/ 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>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>
3	<p>2/19/2025 PAB Regular Meeting Recording: https://youtu.be/9jOYSyLtZc0?si=JtMEtoSvHbkYpDWL</p> <p>2/19/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-19%20Regular%20Meeting%20Minutes.v2.pdf</p>	Mayor's Office	<p>The PAB requested that staff coordinate with the Mayor's Office to obtain advance notice of meeting agendas. (43:20 - 44:30)</p>	<p>Open - This request is still active.</p>
4	<p>5/07/2025 PAB Regular Meeting Recording:</p>	City Clerk's Office	<p>The PAB requests the opportunity to provide input on the records retention schedule.</p>	<p>Open – This request is still active</p>

	<p>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>		<p>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>Link to Memorandum Titled "Records Retention Schedule of the BPD, PAB and ODPa": https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-05-07%20PAB%20Regular%20Meeting%20Packet%20-%20SUPP%201.pdf#page=3</p>
5	<p>5/21/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=mFBeoH6IXWl</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.
6	<p>9/03/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=0xsKsHlnr7c&t=1824s</p> <p>9/03/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/</p>	ODPA, BPD, CAO	<p>The PAB requests that ODPa staff refer to the Berkeley Police Department and City Attorney's Office for further inquiry with a response in 30 days regarding 2025-PR-0006 (LED Flashing Lights)</p>	Open – ODPa Staff will work with other stakeholders once all materials have been finalized.

	sites/default/files/legislative-body-meeting-minutes/DRAFT_2025-09-03 Regular Meeting Minutes.pdf		(44:14 – 45:35)	
7	<p>9/17/2025 PAB Regular Meeting Recording: https://youtu.be/foxCSOZ-qX0?si=nluyj5bY1qiNBdsD</p> <p>9/17/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT_2025-09-17 Regular Meeting Minutes.pdf</p>	ODPA	<p>The PAB requests that ODPA staff coordinate with community member Andrea Prichett to place a future agenda item on the Specialized Care Unit (SCU) transition to County oversight, and invite a County representative to participate via phone or Zoom.</p> <p>(16:15-17:58)</p>	Open – This request is still active.
8	<p>9/17/2025 PAB Regular Meeting Recording: https://youtu.be/foxCSOZ-qX0?si=nluyj5bY1qiNBdsD</p> <p>9/17/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT_2025-09-17 Regular Meeting Minutes.pdf</p>	ODPA, BPD	<p>The PAB moved that the Director share the CVSA materials with BPD and convey that the Board supports ceasing use of CVSA, while seeking to finalize its position collaboratively with the department.</p> <p>(1:05:45-1:07:08)</p>	Open – This request is still active.
9	<p>9/17/2025 PAB Regular Meeting Recording: https://youtu.be/foxCSOZ-qX0?si=nluyj5bY1qiNBdsD</p>	ODPA	<p>The PAB moved that ODPA staff monitor developments in AI-assisted police report writing and report back on significant updates, including</p>	Open – This request remains active. ODPA staff maintains a legislative update log that is distributed to PAB

	9/17/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT 2025-09-17 Regular Meeting Minutes.pdf		legislation (e.g., SB 524), District Attorney guidance, City policy, and BPD updates. (1:15:24-1:16:13)	members at each meeting. SB 524 is included in this log along with any other relevant updates.
10	9/29/2025 PAB Special Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/%5BDRAFT %5D 2025-09-29 Special Meeting Minutes.pdf	ODPA	The PAB requested that ODPA staff add deadlines for complaints moving forward, along with the recommendations and allegations.	Open – This request is still active.