

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



**POLICE ACCOUNTABILITY BOARD
SPECIAL MEETING AGENDA PACKET
December 3, 2025
6:30 PM**

Board Members

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

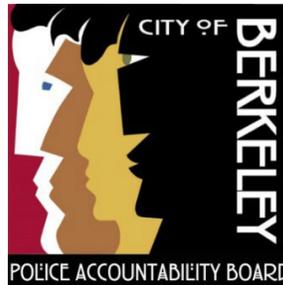
MEETING LOCATION

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

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Item 2

December 3, 2025 PAB Special Meeting Agenda



**POLICE ACCOUNTABILITY BOARD
SPECIAL MEETING AGENDA
WEDNESDAY, DECEMBER 3, 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 November 5, 2025

5. ODPa STAFF REPORT (10 MINUTES)

Announcements, updates, and other items.

- i. Introduction to Daniel Weinberg – ODPa Investigator
- ii. Introduction to Hana Fangchen Dai, Student Team Lead for Social Sector Solutions

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

The Chair and Board Members report on their activities.

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

Crime/cases of interest, community engagement/department events, staffing, training, and other items of interest.

8. SUBCOMMITTEE REPORTS (10 MINUTES)

Report of activities and meeting schedule for all subcommittees, possible appointment or reassignment of members to subcommittees, and additional discussion and action as warranted for the subcommittees listed on the PAB's Subcommittee List included in the agenda packet.

9. DISCUSSION AND ACTION ITEMS (1 HOUR 50 MINUTES)

- a. Presentation by Hans Johnson, Chair of the Los Angeles County Civilian Oversight Commission, on California Assembly Bill 847.ODPA) – (15 Minutes)
- b. Discussion and action regarding the proposed Arrest and Citation Quota Policy (Wells) – (15 Minutes)
- c. Discussion and action regarding the City Council-approved acquisition and use of unmanned aerial systems (UAS) by the BPD (Wilson) – (15 Minutes)
- d. Discussion of Annual Report Presentation to City Council and Potential Action on Related Next Steps, including Community Engagement Efforts (ODPA) – (15 Minutes)
- e. Discussion and action on the proposed 2026 Police Accountability Board Regular Meeting schedule (ODPA) – (10 Minutes)
- f. Discussion and action on the 2026 PAB Annual Retreat and related planning (ODPA) – (10 Minutes)
- g. Discussion and action regarding the first reading of the proposed Police Accountability Board Policy Manual to replace the existing PAB Standing Rules (Wilson) – (15 Minutes)
- h. Discussion and action on the annual review of the Use of Force Policy to reflect developing practices and procedures per SB 230 and BPD Policy 300.13 "Policy Review and Updates" (ODPA) – (15 Minutes)

10. PUBLIC COMMENT (TBD)

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

11. CLOSED SESSION

CLOSED SESSION ITEMS

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

a. Conference With Labor Negotiators; Government Code § 54957.6
Designated representatives: Hansel Aguilar, Director of Police Accountability;
Kitty Calavita and Julie Leftwich, Members, Police Accountability Board
Regulations Subcommittee
Employee organization: Berkeley Police Association

b. City Manager Dispositions for Cases #2025-CI-0013 & 2025-CI-0014 and
Related Timeline Issues.

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

- | | |
|--------------------|---------------------|
| i. 2023-CI-0016 | xiv. 2025-CI-0027 |
| ii. 2024-CI-0004 | xv. 2025-CI-0028 |
| iii. 2025-CI-0013 | xvi. 2025-CI-0029 |
| iv. 2025-CI-0014 | xvii. 2025-CI-0030 |
| v. 2025-CI-0015 | xviii. 2025-CI-0031 |
| vi. 2025-CI-0017 | xix. 2025-CI-0032 |
| vii. 2025-CI-0018 | xx. 2025-CI-0033 |
| viii. 2025-CI-0019 | xxi. 2025-CI-0034 |
| ix. 2025-CI-0020 | xxii. 2025-CI-0035 |
| x. 2025-CI-0021 | xxiii. 2025-CI-0036 |
| xi. 2025-CI-0024 | xxiv. 2025-CI-0037 |
| xii. 2025-CI-0025 | xxv. 2025-CI-0038 |
| xiii. 2025-CI-0026 | xxvi. 2025-CI-0039 |

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

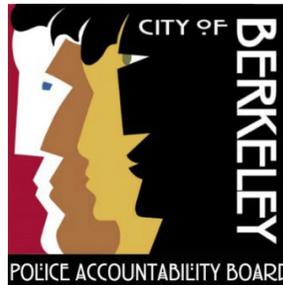
TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955

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

Email: dpa@berkeleyca.gov

Item 4

Minutes for the Regular Meeting of November 5, 2025



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING MINUTES
WEDNESDAY, NOVEMBER 5, 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

AGENDA

1. CALL TO ORDER AND ROLL CALL AT 6:31 PM

Present: Board Member Joshua Cayetano (Chair)
Board Member Leah Wilson (Vice Chair)
Board Member Kitty Calavita
Board Member Juliet Leftwich
Board Member Randy Wells

Absent: Board Member Buswell-Charkow¹

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. Bonaventure

¹ Board Member Buswell-Charkow was granted a Leave of Absence for the November 5th, 2025 PAB Regular Meeting.

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Calavita/Wilson) Motion carried.

Ayes: Cayetano, Calavita, Leftwich, Wells, and Wilson.

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

3. PUBLIC COMMENT

1 Physically Present Speakers

1 Virtually Present Speakers

4. APPROVAL OF MINUTES

a. Minutes for the Regular Meeting of September 17, 2025

Motion to approve the minutes for the Regular Meeting of September 17, 2025.

Moved/Second (Leftwich/Calavita) Motion carried.

Ayes: Cayetano, Calavita, Leftwich, Wells, and Wilson.

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

b. Minutes for the Special Meeting of September 29, 2025

Motion to approve the minutes for the Regular Meeting of September 29, 2025.

Moved/Second (Calavita/Leftwich) Motion carried.

Ayes: Cayetano, Calavita, Leftwich, Wells.

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

5. ODPa STAFF REPORT

Director Aguilar provides a summary of the ODPa's participation in NACOLE 2025,² an overview of the "A Community Conversation – Una Charla para la Comunidad"³ event, and informs the PAB about ongoing discussions to maintain partnerships with local educational institutions, noting that these efforts will involve budget considerations.

6. CHAIR AND BOARD MEMBERS' REPORTS

Chair Cayetano reported attending City Council meetings to represent the PAB and comment on issues such as radio encryption, noting the Council's resolution to urge that parties conclude the regulation meet-and-confer process. He also attended the NACOLE conference, finding it valuable for networking and exploring strategies to strengthen civilian oversight. Board Member Leftwich shared information on Assembly Bill 847,⁴ which will

² 2025 Annual NACOLE Conference: https://www.nacole.org/2025_annual_conference

³ 10-10-2025 "Una Charla para la Comunidad" Video Recording: https://youtu.be/O_3HJfSSWjk?si=TJo-Xnoiqw4seoRy

⁴ California Assembly Bill 847: <https://legiscan.com/CA/text/AB847/id/3193782>

expand police record transparency for oversight bodies beginning in January 2026, and suggested inviting a representative from the LA County Sheriff Oversight Board to present on the topic.

7. CHIEF OF POLICE'S REPORT

Deputy Chief Tate updates the PAB on the BPD's new immigration-related policies, the status of radio encryption, enforcement of SB 627⁵ on face coverings, and ongoing collaboration with the PAB's subcommittee on arrest quotas. She also responds to questions from the Board.

8. SUBCOMMITTEE REPORTS

Subcommittees report on their activities since the last PAB regular meeting on September 17, 2025.

9. DISCUSSION AND ACTION ITEMS

- 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)

The PAB deliberates on Chair Cayetano's letter and discusses the potential for a hearing at a future special meeting on the BPD's immigration policies. No formal action is taken by the PAB at this time.

- b. Discussion and action on Berkeley Police Department's Annual Surveillance Technology Report (Cayetano)

The PAB deliberates on Chair Cayetano's letter and discusses what topics they would like to communicate to Council regarding the Annual Surveillance Technology Report.

Motion to authorize Chair Cayetano to send a letter to the City Council, either prior to the November 10th Regular Council meeting or at a later appropriate time, to address procedural and substantive concerns regarding the Annual Surveillance Technology Report and to reiterate the PAB's opposition to the use of Flock..

Moved/Second (Calavita/Cayetano) Motion carried.

Ayes: Cayetano, Calavita, Leftwich, Wells, and Wilson.

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

- 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)

Motion to delegate the authority to Chair Cayetano to draft and send a letter to the City Council regarding the BPD's transition to encrypted police radios. The letter should address the following:

⁵ Senate Bill 627: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB627

1. **Concerns regarding the process for transitioning to encrypted radios**
2. **Community concerns related to the lack of transparency in the transition**
3. **A notification that the PAB will revisit the issue in 2026.**

Moved/Second (Wilson/Leftwich) Motion carried.

Ayes: Cayetano, Calavita, Leftwich, Wells, and Wilson.

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

- d. Discussion and action regarding the proposed review of alternative vendors and technologies to Flock Safety (Cayetano)

Motion to request that the ODPa identify potential alternative vendors for fixed external surveillance cameras in light of the potential issues with Flock Safety.

Moved/Second (Cayetano/Leftwich) Motion carried.

Ayes: Cayetano, Calavita, Leftwich, Wells, and Wilson.

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

- 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)
 - 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

The PAB receives an update on the ODPa's presentation and discusses next steps. No formal action was taken by the PAB.

- f. Discussion and action on the Fiscal Year 2027-2028 Biennial Budget Development (ODPA)

Motion to assign the review of the BPD budget to the Operations and Metrics Subcommittee.

Moved/Second (Wilson/Calavita) Motion carried.

Ayes: Cayetano, Calavita, Leftwich, Wells, and Wilson.

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

10. PUBLIC COMMENT

0 Physically Present Speakers

0 Virtually Present Speakers.

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)

No formal action was taken by the PAB.

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

Motion to accept the ODPA's recommendation for the administrative closure of ODPA Complaint 2025-CI-0021.

Moved/Second (Wilson/Leftwich) Motion carried.

Ayes: Cayetano, Calavita, Leftwich, Wells, and Wilson.

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

Motion to accept the ODPA's recommendation for the administrative closure of ODPA Complaint 2025-CI-0031.

Moved/Second (Wilson/Leftwich) Motion carried.

Ayes: Cayetano, Calavita, Leftwich, Wells, and Wilson.

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

Motion to accept the ODPA's recommendations in ODPA Complaint 2025-CI-0015.

Moved/Second (Cayetano/Leftwich) Motion carried.

Ayes: Cayetano, Calavita, Leftwich, Wells, and Wilson.

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

END OF CLOSED SESSION**12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS**

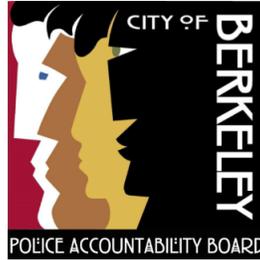
Chair Cayetano announced the closed session actions.

13. ADJOURNMENT

Motion to adjourn. Moved/Second (Leftwich/Calavita). The meeting was adjourned at 9:53 PM by unanimous consent.

Item 8
Subcommittee List

Updated on 11/26/2025



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 11/26/2025

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

ODPA Memorandum Titled “Overview and Considerations Regarding Unmanned Aerial Systems (UAS) and Drone as First Responder (DFR) Models”



MEMORANDUM

Date: Thursday, November 20, 2025
To: Honorable Members of the Police Accountability Board (PAB)
From: Hansel Aguilar, Director of Police Accountability (DPA) *Ha*
 Syed Mehdi, ODPa Data Analyst *SM*
Subject: Overview and Considerations Regarding Unmanned Aerial Systems (UAS) and Drone as First Responder (DFR) Models

This memorandum provides the PAB with background and analysis on the Berkeley Police Department's (BPD) proposed acquisition and use of Unmanned Aerial Systems¹ (UAS) and the Drone as First Responder² (DFR) model. It follows the City Council's directive to begin the process for BPD to pursue UAS acquisition and use in accordance with the Surveillance Technology Ordinance (STO).³

I. Background

UAS refers to aircraft operated remotely without an onboard pilot. The DFR model extends this concept by deploying drones in real time to respond to calls for service, often arriving before patrol officers, to provide live situational awareness.

Berkeley's examination of drones spans more than a decade and reflects the City's cautious approach toward new surveillance technologies.

- **2012–2015:** City Council considered, but did not adopt, a "No Drone⁴ Zone" resolution. Instead, Council referred the issue to the Police Review Commission⁵ (PRC) and Peace & Justice Commission⁶ (PJC) for study. Council ultimately

¹ Federal Aviation Administration – What is Unmanned Aircraft System (UAS):

<https://www.faa.gov/faq/what-unmanned-aircraft-system-uas>

² Department of Homeland Security Drone as First Responder:

https://www.dhs.gov/sites/default/files/2025-07/25_0708_st_dfrtn.pdf

³ November 18, 2025 Annotated Agenda of the Berkeley City Council: [2025-11-18 Annotated Agenda - Council.pdf](#)

⁴ Berkeleyside. "Berkeley rejects idea of making city a No Drone Zone." December 19, 2012:

<https://www.berkeleyside.org/2012/12/19/berkeley-rejects-idea-of-making-city-a-no-drone-zone>

⁵ City of Berkeley, Police Review Commission: <https://berkeleyca.gov/police-review-commission>

⁶ City of Berkeley, Peace and Justice Commission: <https://berkeleyca.gov/your-government/boards-commissions/peace-and-justice-commission>

allowed limited Fire Department use while placing a one-year moratorium on Police Department use.⁷

- **2018:** The City adopted BMC § 2.99⁸ (Surveillance Technology Ordinance), requiring Council approval before any surveillance technology can be acquired or used.
- **2022:** Following a policy complaint⁹ alleging BPD drone use during the Solano Stroll, the ODPAs review confirmed that no BPD drones were used. The incident revealed procedural ambiguities¹⁰ regarding mutual aid and exigent-circumstance notifications.
- **2023:** The Berkeley Police Department submitted draft Policy 611¹¹ (UAS Operations) and Policy 1303¹² (Surveillance Use Policy – UAS), triggering review under BMC § 2.99. The PAB formed a subcommittee to review and provide feedback on these policies.¹³
- **2025:** Councilmember Taplin’s proposal to explore drones for public-safety applications, including potential DFR deployment, was referred to the Public Safety Policy Committee (PSPC), which voted¹⁴ on October 16, 2025, to forward the item to Council with a positive¹⁵ recommendation. On November 18, 2025, the City Council approved¹⁶ the initiation of the process outlined in BMC 2.99 for BPD to

⁷ Berkeleyside – “No Drones for Berkeley Police for One Year.” 2 Mar. 2015:

<https://www.berkeleyside.org/2015/03/02/council-no-drones-for-berkeley-police-for-1-year>

⁸ Berkeley Municipal Code Chapter 2.99, Acquisition and Use of Surveillance Equipment:

<https://berkeley.municipal.codes/BMC/2.99.010>

⁹ Berkeley Police Accountability Board Regular Meeting Minutes – October 10, 2025:

<https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2022-10-25.RegMtg.approved.minutes.pdf>

¹⁰ Berkeley Police Accountability Board & Office of the Director of Police Accountability. “Proposed Unmanned Aerial System Policies.” February 23, 2023:

https://berkeleyca.gov/sites/default/files/documents/2023-02-23_PAB_Proposed_Unmanned_Aerial_System_Policies.pdf

¹¹ BPD Policy 611 UAS Operations: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/PABReport_Draft.pdf%23page=44

¹² BPD Policy 1303 Surveillance Use Policy: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/PABReport_Draft.pdf%23page=47

¹³ Berkeley Police Accountability Board Regular Meeting Minutes – February 22, 2023:

<https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023.02-22.Reg.Meeting.Min.Approved.pdf>

¹⁴ Berkeley City Council Public Safety Committee 10-16-2025 Regular Meeting Minutes:

https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-10-16_Annotated_Agenda_Public_Safety.pdf

¹⁵ Revised Unmanned Aerial Systems and Drones as First Responders:

https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-10-16_Item_%232_Supplemental_Material_%28Revised_Material%29_0.pdf

¹⁶ Unmanned Aerial Systems and Drones as First Responders Item 31 City Council November 18, 2025 Regular Meeting: https://berkeleyca.gov/sites/default/files/documents/2025-11-18_Item_31_Unmanned_Aerial_Systems_and_Drones_as_First_Responders.pdf

acquire and use UAS, including DFR, consistent with all auditing, transparency, data, and privacy protections.

II. Timeline for Next Steps

During the Regular Council¹⁷ Meeting, Chief Louis explained that BPD will return to the City Council in February with the next steps as required under the STO. For the PAB's purposes, BPD has indicated that draft UAS policies will be shared in early January so that the Board may conduct an initial review prior to the community meeting planned for mid-January.

Early January 2026: Draft UAS policies shared with the PAB for initial review.

Mid-January 2026: Community meeting to discuss draft policies and receive public input.
--

February 2026: BPD returns to Council with next steps required under the STO.
--

As this process moves forward, the Office and the UC Berkeley Criminal Law and Justice Center (CLJC)¹⁸ continue collaborating to assess operational, legal, and oversight considerations associated with Drone as First Responder models.

III. Preliminary ODPa Analysis

The ODPa has preliminarily reviewed available research, stakeholder testimony, and comparative data from other jurisdictions employing UAS or DFR programs. At this juncture, the ODPa notes that these technologies present measurable benefits for emergency response, but also significant questions regarding privacy, accountability, and equity.

Potential Benefits:

- **Enhanced response time and safety:** DFR programs in cities such as Chula Vista and Fremont demonstrate faster arrival to scenes, allowing officers to make informed decisions prior to physical engagement.¹⁹
- **Improved situational awareness:** Drones can provide overhead views of incidents, useful in traffic collisions, fires, or search-and-rescue operations.²⁰

¹⁷ Berkeley City Council Approves First-Response Drones, Pause in Mills Act Applications." *The Daily Californian*, 19 Nov. 2025: https://www.dailycal.org/news/city/city-government/berkeley-city-council-approves-first-response-drones-pause-in-mills-act-applications/article_f2c82e50-5124-4cbd-89f9-9ac13a98439a.html

¹⁸ UC Berkeley Criminal Law & Justice Center: <https://www.law.berkeley.edu/research/criminal-law-and-justice-center/>

¹⁹ Charles Werner, "2025: The Year Drone as First Responder Programs Went Mainstream," *Police1*, June 26, 2025: <https://www.police1.com/drones/2025-the-year-drone-as-first-responder-programs-went-mainstream>

²⁰ Mohd Sabri, N. E., et al. "A Scoping Review on Drone Technology Applications in Forensic Science." *SN Applied Sciences* 5, no. 233 (2023): <https://link.springer.com/article/10.1007/s42452-023-05450-4?>

- **Operational efficiency:** In departments facing staffing shortages, drones can supplement ground resources for routine assessments.²¹

Concerns and Oversight Challenges:

- **Privacy and recording limits:** Drones with live-feed capability raise questions about when audio or video recording is permissible. Clear policy language must specify activation conditions and data-retention limits.
- **Equity and community impact:** Deployment patterns must be assessed to prevent disproportionate impacts across neighborhoods or demographic groups.
- **Transparency and reporting:** Publicly accessible dashboards or annual reports are essential to ensure accountability consistent with BMC § 2.99.040.
- **Policy alignment:** DFR operations must align with existing reporting and Council-approval procedures under both AB 481²² (military equipment use) and BMC § 2.99.

IV. Areas of Interest from the City Council

At the November 18, 2025 Regular Meeting of the Berkeley City Council, Councilmembers posed several questions to the BPD and BFD regarding DFR and UAS.²³ The Council's questions primarily addressed data practices, including what information would be collected, how long it would be retained, and when DFR and UAS systems would begin recording. They also sought clarity on potential applications beyond surveillance, the program's effectiveness in other jurisdictions, and how it balances public safety and privacy. In addition, the Council expressed interest in exploring alternative technologies, determining the optimal number of DFR and UAS units, and assessing whether compatible equipment could improve overall efficiency and cost-effectiveness. These topics were to be discussed in the forthcoming acquisition report and should be carefully examined by the PAB as part of their review.

V. Policy Implications and Recommendations

As the ODPa and CLJC continue their research into UAS and DFR applications, the PAB's role centers on maintaining transparency and ensuring future policy alignment with BMC § 2.99 and AB 481. The Board may consider the following actions

²¹ Skydio SFPD's RTIC – Data Driven results: <https://www.skydio.com/resources/guides/guide-drone-as-first-responder-in-action-real-results>

²² California AB 481: <https://afsc.org/sites/default/files/2024-11/ca-state-law-ab-481-1-pager.pdf>

²³ November 18, 2025 Regular Meeting of the City Council Recording [See 1:54:26 – 2:38:00]: https://berkeley.granicus.com/player/clip/5538?publish_id=4cbbc2e3-c578-11f0-a7da-005056a89546&redirect=true

- **Monitor and Review:** Receive periodic updates from ODPA and CLJC on findings regarding operational impacts, equity, and privacy outcomes associated with drone deployment.
- **Transparency and Reporting:** Encourage the City to develop a public reporting framework consistent with other surveillance technologies, including data on deployment frequency, retention, and neighborhood distribution.
- **Policy Readiness:** Prepare to review BPD's final UAS Policies 611 and 1303 for consistency with BMC § 2.99, ensuring privacy safeguards and equitable impact assessments are included.
- **Community Engagement:** Recommend that public information sessions accompany any future Council consideration of UAS or DFR adoption to promote informed dialogue.
- **Policy Committee or Board Member Assignment:** To facilitate an expedited review, the Board may wish to create a subcommittee to study this issue along with the ODPA review and or appoint a Board member liaison to ensure PAB concerns are being thoroughly considered.

Item 9.d.

ODPA Memorandum Titled “2024 Annual Report Takeaways and Next Steps for the PAB and ODPA”



MEMORANDUM

Date: November 21, 2025

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

From: Hansel A. Aguilar, Director of Police Accountability (DPA) *HAA*
 Jose Murillo, ODPa Policy Analyst *JM*
 Syed Mehdi, ODPa Data Analyst *SM*

Subject: 2024 Annual Report Takeaways and Next Steps for the PAB and ODPa

This memorandum provides the PAB with a comprehensive summary of City Council feedback from the November 18, 2025 Special City Council Meeting¹ on the 2024 PAB-ODPA Annual Report.² It outlines a structured plan for strengthening the 2025 Annual Report through clearer benchmarking, stronger community engagement metrics, improved data accessibility, and closer alignment with BPD's annual reporting schedule.

I. Background:

Berkeley City Charter Section 125(16)(b)³ states that the DPA shall prepare an annual report to the public which documents the oversight activities conducted during the calendar year, including investigations, policy reviews, data analysis, and systematic recommendations. In compliance with Section 125(16), this report includes all Charter-mandated reporting components:

- Board Activities (§125(16)(b)(1)): A summary of the number, type, and disposition of complaints filed with both the Board and BPD; an overview of policy complaints; and any additional information requested by the Board or City Council.
- Investigation and Disciplinary Processes (§125(16)(b)(2)): A description of the procedures used by the ODPa and BPD to investigate misconduct and determine disciplinary outcomes.

¹ Special City Council Meeting Packet 11-18-2025: [https://berkeleyca.gov/sites/default/files/city-council-meetings/2025-11-18 Special Agenda Packet - Council.pdf](https://berkeleyca.gov/sites/default/files/city-council-meetings/2025-11-18%20Special%20Agenda%20Packet%20-%20Council.pdf)

² ODPa-PAB 2024 Annual Report: [https://berkeleyca.gov/sites/default/files/documents/2025-11-18 Special Item 01 2024 Police Accountability Board.pdf%23page=4](https://berkeleyca.gov/sites/default/files/documents/2025-11-18%20Special%20Item%2001%202024%20Police%20Accountability%20Board.pdf%23page=4)

³ Berkeley Municipal Code Charter Section 125(16)(b): [https://berkeley.municipal.codes/Charter/125\(16\)\(b\)](https://berkeley.municipal.codes/Charter/125(16)(b))

- Training, Education, and Early Warning Systems (§125(16)(b)(3)): A summary of BPD’s training initiatives and any early intervention systems in use.
- Policy and Training Issues Identified in Investigations (§125(16)(b)(4)): Key findings and concerns that emerged during complaint investigations.
- Trends in Stops, Citations, Arrests, and Searches (§125(16)(b)(5)): Data analysis on vehicle and pedestrian stops, including demographic breakdowns, reasons and outcomes of stops, and locations, in accordance with the City’s Fair and Impartial Policing policies.
- Use of Force and Officer-Involved Shootings (§125(16)(b)(6)): An examination of patterns in use of force incidents and officer-involved shootings.

The Board approved the 2024 PAB-ODPA Annual Report at its August 7 Special⁴ Meeting, and it was presented to City Council at the November 18, 2025, Special Meeting by Director Aguilar, Policy Analyst Murillo, and Chair Cayetano.

II. Summary of Councilmember Feedback:

1. Clarity, Structure, and Accessibility of Data

Councilmembers expressed the data presentation and framing made it difficult to fully understand key points, with concerns including:

<ul style="list-style-type: none"> • Stop data and disparity⁵ findings need clearer explanations for how conclusions are reached.
<ul style="list-style-type: none"> • Interest in understanding how ODPA’s methodology⁶ compares to BPD’s use of benchmarks like Veil of Darkness, yield rates, and collision-based analysis.⁷
<ul style="list-style-type: none"> • Requests for standardized definitions so readers understand what categories (e.g., stops, uses of force, complaints) include or exclude.
<ul style="list-style-type: none"> • Desire for clearer year-to-year trend storytelling rather than presenting multiple data sets without narrative linkage.
<ul style="list-style-type: none"> • Need to better explain how ODPA reaches its findings when they differ from BPD’s internal analysis.

⁴ PAB 08-07-2025 Special Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final_2025-08-07_PAB_Special_Meeting_Minutes.pdf

⁵ City Council Special Meeting Video Recording (1:31:20-1:33:06): <https://berkeley.granicus.com/player/clip/5541>

⁶ City Council Special Meeting Video Recording (00:51:40-00:55:03): <https://berkeley.granicus.com/player/clip/5541>

⁷ City Council Special Meeting Video Recording (01:33:00-01:37:03): <https://berkeley.granicus.com/player/clip/5541>

2. Benchmarking, Methodology, and Interpretation of Disparities

Council was highly focused on the differing analytical frameworks used by ODPa and BPD to assess racial disparities.

Key concerns included:

- | |
|---|
| <ul style="list-style-type: none"> • ODPa and PAB should align on a shared set of metrics with BPD to reduce confusion for the public.⁸ |
| <ul style="list-style-type: none"> • Councilmembers questioned whether relying solely on residential population adequately reflects policing realities in a regional destination city like Berkeley. |
| <ul style="list-style-type: none"> • Concerns that ODPa’s method may unintentionally mask patterns that operational benchmarks reveal. |

3. Community Engagement Requires Structure and Outcomes

Councilmembers were supportive of ODPa/PAB’s engagement efforts but raised concerns about a lack of measurable goals.

- | |
|---|
| <ul style="list-style-type: none"> • Engagement efforts felt too general and should be tied to specific issues (e.g., drones, surveillance, immigration policy, disparities). |
| <ul style="list-style-type: none"> • Council wants deliverables, not only attendance numbers — such as feedback summaries, follow-up actions, or visible community impact.⁹ |
| <ul style="list-style-type: none"> • Need for outreach that builds trust in communities most affected by stops, use of force, and profiling. |
| <ul style="list-style-type: none"> • Council emphasized the need for more intentional outreach, not opportunistic tabling or event-based presence.¹⁰ |

4. Complaint Volume, Triage, and ODPa Capacity

Council raised the following questions about the steep increase in complaint volume in 2024:

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|--|
| <ul style="list-style-type: none"> • Whether ODPa has sufficient resources to manage the increased case load. |
| <ul style="list-style-type: none"> • Whether the volume reflects actual increases in misconduct or reflects patterns such as “serial complainants.” |

⁸ City Council Special Meeting Video Recording (02:00:53–02:02:06):

<https://berkeley.granicus.com/player/clip/5541>

⁹ City Council Special Meeting Video Recording (1:40:20-1:41:58): <https://berkeley.granicus.com/player/clip/5541>

¹⁰ City Council Special Meeting Video Recording (2:06:20-2:07:35): <https://berkeley.granicus.com/player/clip/5541>

- Interest in exploring a vexatious complainant framework with appropriate safeguards.¹¹

5. Training, Early Warning Systems, and Comparative Context

Council wants to contextualize the impact of the training data and requested:

- Greater clarity on how BPD's training hours compare to other departments.¹²
- More information on whether training improvements correlate with reductions in disparities or misconduct.
- Analysis of how early warning systems function and whether ODPa sees gaps or patterns.

6. Surveillance Technology, AI, and Policy Oversight

Councilmembers¹³ raised concerns about:

- AI writing tools and their implications for report accuracy and officer discretion.
- Drone governance, especially around DFR and privacy.
- ALPR renewal and whether the program produces sufficient public safety benefit to justify the privacy cost.¹⁴

7. Oversight Operations and Access Barriers

Council expects these barriers¹⁵ to be resolved, but was surprised to learn:

- PAB members do not have full ShareDrive access.
- ODPa experiences delays obtaining body-worn camera footage and other records.
- Ongoing IT issues slow down investigations and hamper transparency.

III. Areas for Further Clarification and Analytical Refinement

A. Benchmarking and Mixed-Methods Approach

ODPA can outline the purpose, limits, and implications of each benchmark:

- **Population Benchmarking:** Council concerns about regional drivers can be

¹¹ City Council Special Meeting Video Recording (1:20:21-1:21:58): <https://berkeley.granicus.com/player/clip/5541>

¹² City Council Special Meeting Video Recording (1:40:01-1:41:38): <https://berkeley.granicus.com/player/clip/5541>

¹³ City Council Special Meeting Video Recording (1:04:55-1:05:45): <https://berkeley.granicus.com/player/clip/5541>

¹⁴ City Council Special Meeting Video Recording (50:05:20-53:05:35):

<https://berkeley.granicus.com/player/clip/5541>

¹⁵ City Council Special Meeting Video Recording (2:06:20-2:08:39): <https://berkeley.granicus.com/player/clip/5541>

addressed by incorporating residential vs. non-residential comparisons.

- **Veil of Darkness:** Sensitive to twilight definitions, artificial light, and deployment patterns. limitations, which are also raised in national scholarship, including the Center for Policing Equity's Matt Graham, who highlighted that no single benchmark¹⁶ can definitively measure bias, and that each carries tradeoffs.
- **Yield Rates:** ODPa can evaluate not only outcomes but also whether the basis for searches was justified.
- **Mixed-Methods Model:** ODPa can outline a model that combines quantitative benchmarks with qualitative BWC review, report-writing analysis, and case outcomes to better analyze bias indicators.

B. Complaint Trends and Case Flow

- Complaint increases in 2024 resulted from both genuine incidents and repeat filers, but all complaints met prima facie thresholds.
- ODPa can explain factors leading to administrative closures.
- ODPa will clarify how a vexatious complainant provision could operate while safeguarding legitimate access.

C. Community Engagement Metrics

- Forums and events tied to drones, immigration, disparities, and surveillance
- Deliverables such as public summaries and follow-up actions
- Metrics for documenting how engagement informs policy recommendations

D. Annual Report Release Timing

Chair Cayetano committed to aligning the 2025 ODPa-PAB Annual Report with BPD's March 2026 release, enabling:

- Unified policy discussion
- Concurrent benchmarking analysis
- Easier public comparison

IV. Improvements for the 2025 Annual Report

Based on Council direction, ODPa recommends:

- A clearer narrative structure for all data sections
- Defined community engagement metrics and deliverables
- Simplified and prioritized policy workplan

¹⁶ Center For Policing Equity, Berkeley Wraps up Policy Work Tackling Racial Disparities in Police Stops: <https://policingequity.org/berkeley-wraps-up-policy-work-tackling-racial-disparities-in-police-stops/>

- Expanded section on training, including comparisons to neighboring agencies
- Dedicated section on emerging technologies (AI, drones, ALPR)
- Enhanced visuals, trend explanations, and accessibility

V. Proposed Timeline for the 2025 Annual Report

December 2025 – Initial Preparation

- Consolidate year-end complaint, stop, and use-of-force data
- Create Outline
- Draft visual templates and updated narrative structure

January 2026 – Drafting

- Complete all data analysis
- Draft narrative sections
- Define engagement metrics
- Internal ODPa review

February 2026 – Draft Completion and Board Review

- Full draft by mid-February
- Present draft to PAB
- Incorporate Board direction
- Submit for City Attorney review

Early March 2026 – Finalization

- Complete revisions
- PAB approval
- Public release aligned with BPD’s annual report timing

Late March 2026 – Council Presentation

- Present to Council
- Document Council feedback and direction

Recommendation

Staff recommends that the Board adopt this framework as the approach for developing the 2025 Annual Report and direct ODPa to proceed with the improvements described in this memorandum, including the benchmarking crosswalk, strengthened community engagement strategy, and streamlined policy workplan.

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Item 9.e.

ODPA Memorandum Titled "2026 PAB Meeting Schedule"



MEMORANDUM

Date: November 24, 2025
To: Honorable Members of the Police Accountability Board (PAB)
From: Hansel A. Aguilar, Director of Police Accountability (DPA) *HA*
 Jose D. Murillo, ODPa Policy Analyst *JM*
Subject: 2026 PAB Meeting Schedule

The purpose of this memorandum is to present the PAB with a proposed 2026 meeting schedule that meets the requirements of Berkeley City Charter Section 125(13)(a).

Background:

Berkeley City Charter Section 125(13)(a) requires the PAB to “establish a regular meeting schedule consisting of at least eighteen (18) meetings.”¹ Historically, the PAB has met two times each month on the second and fourth Wednesday, except in August, which is observed as a summer recess, and in November and December, when only one meeting is scheduled to avoid seasonal holidays. In developing the proposed calendar, ODPa staff also considers City-observed holidays as well as other religious and cultural holidays celebrated by community members but not formally observed by the City of Berkeley.²

Additionally, under the PAB’s current standing rules, elections are held during the first two meetings of the month. At the first meeting in January, members are nominated for the positions of Chair and Vice-Chair, and the vote takes place at the second meeting.

Recommendation:

It is recommended that the PAB approve the meeting calendar prepared by the ODPa. The proposed schedule integrates City-observed holidays and also accounts for significant religious and cultural holidays observed by community members but not formally recognized by the City of Berkeley.

Alternatively, the PAB may elect to modify the proposed schedule, provided that any revisions maintain a minimum of eighteen meetings per year, avoid City-observed holidays, and continue to honor the identified religious and cultural holidays.

Attachments:

1. Proposed Meeting Schedule for 2026
2. 2026 City Holiday Calendar
3. 2026 Cultural and Religious Holiday Calendar

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

² Pursuant to Resolution No. 70,0666-N.S., it is the policy of the City of Berkeley to avoid scheduling meetings of City Legislative Bodies (City Council, Policy Committees, Commissions, Task Forces) on religious holidays that incorporate significant work restrictions for common observance in the United States.

DRAFT

PAB Meeting Calendar

JAN

S	M	T	W	T	F	S
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11	12	13	14	15	16	17
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FEB

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MAR

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26	27	28	29	30		

MAY

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24	25	26	27	28	29	30
31						

JUN

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JUL

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*City Holiday *PAB Meeting *Reduced Service Day



2026 CITY CALENDAR

JANUARY						
Sun	Mon	Tues	Wed	Thur	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
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FEBRUARY						
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MARCH						
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APRIL						
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MAY						
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JUNE						
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JULY						
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AUGUST						
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SEPTEMBER						
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OCTOBER						
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NOVEMBER						
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DECEMBER						
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27	28	29	30	31		

CITY OF BERKELEY RECOGNIZED HOLIDAYS / OBSERVANCES

- 1/1 New Year's Day
- 1/19 Martin Luther King Jr.'s Birthday
- 2/12 Lincoln's Birthday
- 2/16 Washington's Birthday
- 3/31 Cesar Chavez Day - Obs 3/30
- 5/19 Malcolm X's Birthday - Obs 5/18
- 5/25 Memorial Day

- 6/19 Juneteenth
- 7/4 Independence Day - Obs 7/3
- 9/7 Labor Day
- 10/12 Indigenous Peoples' Day
- 11/11 Veterans Day
- 11/26-27 Thanksgiving Day/Day After
- 12/25 Christmas Day

- Pay Day
- Observed Holidays
- Voluntary Time Off (VTO) Days
- New Employee Orientation

City Policy Regarding the Scheduling of City Meetings on All Significant Religious Holidays

Pursuant to Resolution No. 70,066-N.S., it is the policy of the City to avoid scheduling meetings of City Legislative Bodies (City Council, Policy Committees, Commissions, Task Forces) on religious holidays that incorporate significant work restrictions for common observance in the United States. City legislative bodies must avoid scheduling meetings on the religious holidays listed below.

Religion	Holiday	2026 Date(s)
Shinto	New Year	1/1/2026 thru 1/3/2026
Hindu	Makara Sankranti	1/14/2026
Cultural	Chinese New Year (Eve, Day, Lantern Festival)	2/16, 2/17, 3/3
Islam	Ramadan (Eve & First Night)	2/17/2026 thru 2/18/2026
Hindu	Holi	3/3/2026
Islam	Eid al-Fitr	3/19/2026 thru 3/20/2026
Cultural	Nowruz*	3/21/2026
Jewish	Passover Nights 1 & 2 (7*, 8*)	4/1 - 4/2 (4/8, 4/9)
Christian	Good Friday	4/3/2026
Christian	Easter Sunday	4/5/2026
Jewish	Shavuot*	5/21/2026 thru 5/23/2026
Islam	Eid al-Adha	5/26/2026 thru 5/27/2026
Buddhist	Vesak	5/31/2026
Shinto	Obon Ceremony*	8/13/2026 thru 8/15/2026
Jewish	Rosh Hashanah	9/11/2026 thru 9/13/2026
Jewish	Yom Kippur	9/20/2026 thru 9/21/2026
Jewish	Sukkot (1st Day)*	9/25/2026 thru 9/26/2026
Jewish	Shmini Atzeret/ Simchat Torah*	10/2/2026 thru 10/4/2026
Hindu	Dussehra	10/20/2026
Hindu	Diwali	11/8/2026
Baha'i Faith	Birth of Bab	11/10/2026
Baha'i Faith	Birth of Baha'u'llah	11/11/2026
Jewish	Chanukah (1st night)	12/4/2026
Christian	Christmas	12/25/2026
Cultural	Kwanzaa	12/26/2026 thru 1/1/2027
Jewish	Shabbat (Friday sunset to Saturday sunset)*	Weekly

* Meetings not prohibited, but avoid scheduling meetings if possible

Item 9.f.

ODPA Memorandum Titled "2026 PAB Strategic Planning Session"



MEMORANDUM

Date: November 24, 2025
To: Honorable Members of the Police Accountability Board (PAB)
From: Hansel A. Aguilar, Director of Police Accountability (DPA) *HAA*
 Jose D. Murillo, ODPa Policy Analyst *JM*
Subject: 2026 PAB Strategic Planning Session

The purpose of this memorandum is to provide an overview of the planning process for the PAB's 2026 Strategic Planning Session.

Background:

In 2016, the City Council established a requirement that most commissions submit an annual work plan at the start of each fiscal year in the form of an Information Report. Only the Board of Library Trustees, the Design Review Board, and the Zoning Adjustments Board were exempt from this directive.¹ The intent of the requirement was to ensure that each commission clearly identified its mission, goals, resources, activities, outputs, and desired outcomes for the year. Work plans were expected to articulate how and when a commission intended to accomplish its objectives, with goal statements outlining both the scope of work and the anticipated timelines for completion.

Commissions were permitted to coordinate their work plans with those of their associated departments, helping align priorities and improve collaboration throughout the year. At the same time, commissions were expected to remain within the subject matter defined by their enabling legislation when formulating goals or activities.² On February 1, 2025,

¹ City of Berkeley's Commissioners' Manual. Chapter I, Section E:

<https://berkeleyca.gov/sites/default/files/documents/Commissioners%27%20%26%20Board%20Members%27%20Manual%202025%20Edition.pdf#Page=12>

² Id. <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-01%20Special%20Meeting%20Minutes.pdf>

the Police Accountability Board fulfilled this requirement by conducting a strategic planning session³ in which it reviewed its priorities and developed its annual work plan.⁴

PAB Action:

In past years, the PAB designated two Board members to work with ODPA staff on coordinating the strategic planning session. Their responsibilities included selecting a meeting date, typically in February or early March after PAB elections, and developing a preliminary workplan in collaboration with ODPA staff. The retreat took place at the ODPA office, and the meeting remained open to the public in order to comply with Brown Act requirements.

To prepare for the 2026 Strategic Planning Retreat, the ODPA recommends that the PAB appoint two Board members to work with ODPA staff to establish the meeting dates and develop the necessary materials.

³ 2025 PAB Strategic Planning Session Minutes: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-01%20Special%20Meeting%20Minutes.pdf>

⁴ 2024 PAB Workplan: https://berkeleyca.gov/sites/default/files/work-plans/%28REVISED%29%20PAB_WorkPlan%202025.pdf

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Item 9.g.

Metris and Operations Subcommittee Memorandum Titled “Proposed PAB-ODPA Policy Manual” and the Proposed PAB-ODPA Policy Manual



MEMORANDUM

Date: November 25, 2025
To: Honorable Members of the Police Accountability Board (PAB)
From: Metrics and Operations Subcommittee
 Vice-Chair Leah Wilson
 Board Member Randy Wells
Subject: Proposed PAB-ODPA Policy Manual

Please see the attached draft Police Accountability Board Policy Manual (manual). The manual is intended to serve as a single-source resource for current and future Board members. It outlines key responsibilities of individual members and of the Board as a whole, and codifies the Board's operational and procedural rules and processes. Where applicable, the manual references the City of Berkeley Commissioner's Manual, the City Charter, and other relevant governing or enabling authorities.

Several key areas merit attention:

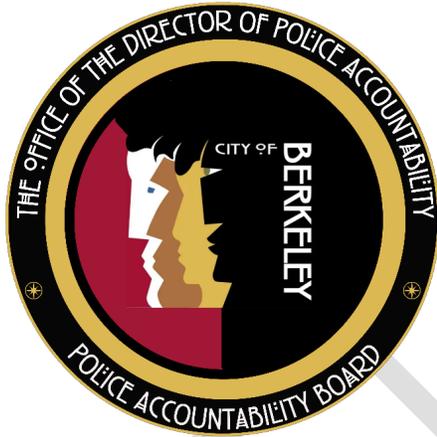
1. **Discretionary Policy Review – Proposed Process:** The process as drafted reflects the most recent Board discussions on this process establishes the codified language as the standard approach to handling discretionary reviews.
2. **Public Comment Policy:** The proposed policy limits public comment to a single period at the beginning of each meeting, with discretion for the Chair to modify this approach under specified circumstances.
3. **Appendix A – Subcommittees:** Appendix A lists standing subcommittees but does not address ad hoc subcommittees. We should discuss how ad hoc bodies ought to be defined, documented, or otherwise incorporated into the manual.

In addition to these items, several other questions and issues have been identified in the comment boxes within the draft; these would benefit from Board review and discussion.

Once finalized, this manual will replace the existing Standing Rules. Feedback received during the December 3, 2025, PAB meeting will be incorporated into a final draft, which will be presented for Board review and adoption at the first PAB meeting in January 2026.

Attachments:

- Proposed Policy Review Manual



Police Accountability Board Policy Manual

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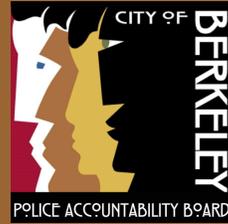


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Commented [LW1]: LA: Delete Homeless and Arrest Quota - not standing

The Police Accountability Board (PAB) promotes public trust through independent, objective, civilian oversight of the Berkeley Police Department (BPD); provides community participation in setting and reviewing BPD, practices, and procedures; and provides a means for prompt, impartial and fair investigation of complaints brought by members of the public against Berkeley police officers.

1.2 Governing Authority

Authorities governing the PAB in carrying out its work:

- Enabling Legislation [City Charter Section 125, Article XVIII] [\[Charter\]](#)
- Berkeley Municipal Code [\[Berkeley Municipal Code\]](#)
- Interim Regulations [\[Interim Regulations\]](#)
- Standing Rules [\[Note, this Policy Manual should replace the Standing Rules\]](#)
- [Commissioners' & Board Members' Manual](#)

Commented [LW2]: Add relevant hyperlinks

SECTION 2

Police Accountability Board



Section 2. POLICE ACCOUNTABILITY BOARD

2.1 COMPOSITION

The Police Accountability Board (PAB) consists of nine members. Each member is nominated by the Mayor or a City Councilmember and approved by the full City Council. Board members are residents of the City of Berkeley, at least 18 years old, who have pledged to be fair-minded and objective, with a demonstrated commitment to community service. See [here](#) for current Board membership.

(Source: [Charter §125 \(5\)\(a\)](#))

2.2 BOARD MEMBER TERMS

Each member is appointed for a term of four years or upon expiration of the appointing councilmember's term, whichever is earlier. A Board member whose term has expired may continue to serve until a successor Board member is appointed, unless the sitting Board member's term expires due to term limits.

(Source: [Charter §125 and Commissioner's Manual Chapter II.A.6](#))

2.3 RESIGNATION OF BOARD MEMBERS

A Board member, including an officer, may resign at any time by giving written notice to the City Clerk and to the appointing Councilmember or the council, as appropriate.

(Source: [Commissioner's Manual Chapter II.A.13](#))

2.4 RESPONSIBILITIES OF THE BOARD

The following list of PAB responsibilities includes both discretionary and mandatory activities, as reflected in annotations.

MANDATORY RESPONSIBILITIES

- Receiving and considering the findings and recommendations of the Director of Police Accountability regarding complaints filed by members of the public against sworn employees of the Police Department and recommending to the Chief of Police if discipline is warranted when misconduct is found, and pursuant to Section 18, the level of discipline for sustained findings of

Commented [LW3]: To match board book should this say source before? The this being (Charter Section 125 language)

Commented [LA4R3]: Gotcha. I'm also bolding and italicizing like the board book

Commented [LW5]: Council or council? - throughout

Commented [LA6R5]: lowercase

misconduct. The process for conducting personnel investigations is detailed in **Appendix B**.
(Source: [Charter §125 \(14\)\(h\) and 3a](#))

- Along with the Director of Police Accountability (DPA), adopting regulations for handling complaints filed with the DPA (Source: [Charter §125 \(18a\)](#))
- Consulting with the City Manager on the job requirements, application process, and evaluation of candidates for the Chief of Police during a vacancy. (Source: [Charter §125 \(22\)](#))
- Recommending candidates for consideration by the City Council for a Director of Police Accountability during a vacancy. (Source: [Charter §125\(14\)\(a\)](#))
- Approving the annual report prepared by the DPA. (Source: [Charter §125 \(16\)\(c\)](#))
- Reviewing and making recommendations on newly adopted policies submitted by the Chief of Police. (Source: [Charter §125 \(\(17\)\(a\)\)¹](#))
- Establishing a regular means of recognizing sworn employees of the BPD for instances of outstanding service. The process for commendations is described in the Outreach & Engagement Subcommittee charge (**Appendix E**). (Source: [Charter §125 \(26\)](#))
- Conducting a review of its internal processes every two years. (Source: [Charter §125 \(28\)](#))
- Receiving Surveillance Use Policies and corresponding Surveillance Acquisition Reports for each new surveillance technology before it goes to the City Council for approval. (Source: [Berkeley Municipal Code §2.99.030\(2\)](#))
 - No later than 30 days after receipt, the PAB must vote to recommend approval of the policy, object to it, suggest modifications, or take no action.
- Reviewing and making recommendations regarding Controlled Equipment Impact Reports and Controlled Equipment Use Policies before the City Council approves the acquisition or use of any Controlled Equipment based on specific criteria as outlined in [Berkeley Municipal Code § 2.100.040 \(C\)\(1\)](#). (Source: [Berkeley Municipal Code §2.100.040 \(C\)\(1\)](#))
- Reviewing the BPD's annual report on Controlled Equipment and determining whether each piece of controlled equipment reported on has complied with the standards for approval set forth in [Berkeley Municipal Code section 2.100.040 \(C\)\(1\)](#).
 - If the PAB determines that any Controlled Equipment has not complied with the standards for approval set forth it shall either recommend revocation of the authorization for that piece of Controlled Equipment or modify the Controlled Equipment Use Policy in a manner that will resolve the lack of compliance. (Source: [Berkeley Municipal Code §2.100.040\(C\)\(1\)](#))
- Reviewing and updating the Use of Force Policy annually. (Source: [Berkeley Police Department Policy Number 300.1.3](#))
- Establishing rules of procedure governing the conduct of its business, which shall be subject to ratification by the City Council. (Source: [Charter §125 \(13\)\(c\)](#))

Commented [LW7]: Here let's say. The process for conducting Personnel Investigations is addressed in Appendix XXX - the Personnel Investigations appendix.

Commented [LW8]: Need to find exact source and is this mandatory

Commented [LW9]: This is the commendations process - the Brent B. write up. Should we reference that here?

Commented [LA10R9]: Yes! I've added the reference here.

Commented [LW11]: Are these the same?

Commented [LA12R11]: These two bullets both cite Berkeley Municipal Code § 2.100.040(C)(1), but they are not the same. The first addresses the PAB's duty to review Impact Reports and Use Policies before City Council approves acquisition or use of controlled equipment (pre-acquisition). The second addresses the PAB's duty to review the annual report on controlled equipment already in use and determine compliance with the standards, including recommending revocation or policy modification if needed (post-acquisition). They come from the same code section but apply at different stages

¹ Section 17(a) of the Charter states that the Chief of Police shall submit all newly adopted Departmental policies and revisions to the Board within thirty (30) days of implementation. Although not explicitly noted, section 17(b), suggests that the Board may make recommendations regarding these policies if desired.

DISCRETIONARY RESPONSIBILITIES

- Advising and making recommendations to the public, City Council, and City Manager regarding the operation of the BPD, including all written policies, practices. The PAB may also initiate a review of a BPD policy, practice, or procedure upon a majority vote of its members. The process for conducting policy reviews is outlined in **Appendix C**. (Source: [Charter § 125\(3\)\(a\)](#))
- Reviewing and recommending for City Council approval all agreements, letters, memoranda of understanding, or policies which express terms and conditions of mutual aid, information sharing, cooperation and assistance between the BPD and all other local, state and federal law enforcement, intelligence, and military agencies or private security organizations. (Source: [Charter §125 \(3\)\(a\)](#))
- Recommending the removal for cause of the DPA to the City Council. (Source: [Charter §125 14\(d\)](#))
- Reviewing objections to the closure of complaints filed with BPD. (Source: [Charter §125 \(19e\)](#))
- Accessing records of City Departments, compelling attendance of sworn employees of the Police Department, and exercising the power of subpoena as necessary to carry out its functions. (Source: [Charter §125\(3\)\(a\)](#))
- Attending Selection Board interviews for Special Response Teams. (Source: [Berkeley Police Department Policy 404.8](#))
- Proposing a budget to the City Council for PAB operations. (Source: [Charter §125 \(4\)\(b\)](#))
- Reviewing and making recommendations to the City Council regarding the Police Department budget.
 - The Chief of Police shall submit a final budget proposal to the Board for review and recommendations, but the Board's failure to complete that review and make recommendations in a timely manner shall not delay the budget process. (Source: [Charter §125 \(21\)](#))

Commented [LW13]: Existing standing rules specify that the PAB can initiate a BPD policy, practice, or procedure review upon a majority vote (G.2.) [standing rules]

Commented [LA14R13]: I revised this to incorporate Standing Rules G.2, which authorize the Board to initiate a BPD policy/practice/procedure review by majority vote. Please review

Commented [LW15R13]: Let's strike references to Standing Rules as I think we are going to replace them with this document. Leave the reference at the beginning of the document and hyperlink but don't include citations to Standing Rules throughout if that makes sense.

2.5 RESPONSIBILITIES OF BOARD MEMBERS

Each Board member is responsible for:

- Being familiar with the mission and purpose of the PAB.
- Participating in all Board meetings and meetings of assigned Board subcommittees, including preparing for meetings in order to make sound decisions.
- Being familiar with the existing governance structure of the Board and the Office of the Director of Police Accountability (OPDA).
- Being familiar with the PAB Policy Manual.
- Being familiar with the City of Berkeley's Commissioner's Manual.
- Being familiar with the requirements of the Brown Act.
- Bringing diverse experience, skills, and expertise to bear when determining policy
- Recognizing the equal role and responsibility of each Board member.
- Ensuring public trust, fairness, and equity, by making decisions based on information presented at a duly noticed public meeting.

2.51 CONFLICTS OF INTEREST

Board members shall maintain basic standards of fair play, impartiality, and avoid bias and the appearance of bias.

In instances where the Board acts in a quasi-judicial capacity, as in a confidential personnel hearing Board members have the responsibility to hear all viewpoints. To ensure that all parties are afforded an opportunity to be heard, Board members shall observe the following:

- (1) Board members recused for a conflict of interest must do so immediately when an item is taken up.
- (2) Board members shall verbally disclose all ex parte contacts concerning the subject of the hearing. Board members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Ex parte contacts include, but are not limited to, any contact between a Board member and any party involved in the complaint prior to the public hearing.
- (3) Board members shall be recused from taking any action on or participating in a matter before the Police Accountability Board if they are related to a party to, advocate for, or represent a member of the public who has a pending or anticipated claim of any kind arising out of alleged misconduct of a sworn employee of the Police Department. For the purpose of this subsection, "related to" shall include a spouse, child, sibling, parent or other person related to the complainant or the complainant's spouse within the third degree of relationship.

(Source: [Charter §125\(8\)](#))

2.52 CALENDAR OF BOARD MEETINGS

The annual meeting calendar for the PAB is determined by the enabling charter which requires 18 meetings per year, as well as the City Council's recess schedule. The Board's standard practice has been to meet on the second and fourth Wednesday of each month, with exceptions as needed for holidays, recesses, or other scheduling conflicts. The multiyear Board schedule can be viewed [here](#).

(Source: [Charter §125\(13\)\(a\)](#))

2.53 OFFICER SELECTION

The officers of the PAB are chair, and vice-chair. Officers are elected each January by the majority of the PAB for a one-year term, or until their successor is elected. No chairperson is eligible to serve more than two consecutive terms, or portions thereof.

(Source: *Commissioner's Manual Section II. F.1. for more information and Charter section 10*)

2.54 RESPONSIBILITIES OF THE CHAIR

The Board chair is responsible for the duties enumerated in [Commissioners Manual Chapter II Section F.3](#), and the following:

- Facilitating decision-making by the Board.
- Encouraging diverse opinions among Board members.

8

Commented [LW16]: The standing rules require that the PAB have a regular meeting on the second and fourth Wednesday of the month, with exceptions for

Commented [LA17R16]: I added language noting the Board's standard practice of meeting on the second and fourth Wednesday of the month, while keeping the Charter §125(13)(a) cite for the 18-meetings-per-year requirement. Standing Rules reference removed

Commented [JM18]: Should we add timelines or is the intention to sync up with the Clerk's schedule? The PAB usually nominated during the 1st Jan meeting and then confirms the officers at the 2nd meeting. This is similar to the Clerk's process but we conduct elections earlier.

Commented [LW19]: hyperlink

- Resolving disputes and managing conflict among Board members.

The Board chair can fully participate in the decision-making of the Board, including participating in debate, discussion, and voting.

2.55 RESPONSIBILITIES OF THE VICE-CHAIR

The vice-chair is responsible for:

- Acting in the absence of the chair.

2.57 BOARD SUBCOMMITTEES

The chair may appoint members of the Board to serve as members of subcommittees subject to the approval of PAB. Board subcommittees are responsible for advancing the work of the PAB. At the start of each Board year, the incoming chair facilitates a discussion with the Board regarding the number of and scope of PAB subcommittees to determine if any changes are needed.

In accordance with the City Charter, the chair may appoint members of the public to subcommittees in which they have expressed an interest. Such appointments are subject to approval of the Board. Members of the public seeking to serve on a subcommittee must:

- a) be residents of the City of Berkeley; and
- b) present themselves at a Board meeting before or at the time of the appointment and speak on the public record on the intent to serve and what they will bring to the subcommittee work and deliberations.

Other provisions governing public member participation include:

- a. Members of the public appointed to subcommittees are non-voting members and may not be selected to be subcommittee chair.
- b. Board members must constitute a majority of membership of any subcommittee. A quorum of voting members is required to convene an official meeting and to take formal action. A smaller group of committee members may convene informally to conduct business even if Board members are not a majority of subcommittee members present.
- c. The term of appointment for members of the public appointed to subcommittees shall not exceed the life of the subcommittee. If a subcommittee must be reauthorized, any members of the public serving on the subcommittee must be reappointed by the chair, subject to approval of the Board.
- d. A public member of a subcommittee who is absent from two consecutive subcommittee meetings is automatically removed from the subcommittee, but may be reinstated by the chair if good cause for the absences is shown.
- e. The chair, subject to the approval of the Board, may remove a member of the public from a subcommittee for good cause. Examples of good cause are: failure to work cooperatively with subcommittee members, unruly or disruptive behavior at meetings; or failure to participate in the work of the subcommittee.

Commented [JM20]: I see APPENDIX A but it can be beneficial to include the distinction between Ad Hoc meetings and Standing Subcommittee meetings. Recommend using the text from the commissioner's manual. See Page 30 of the Commissioner's manual: [COMMISSIONERS' & BOARD MEMBERS' MANUAL 2025 Edition](#)

- f. All actions by the chair to appoint, reappoint, or remove a member of the public to or from a subcommittee shall occur at a Board meeting.

(Source: [Charter/125\(13\)\(d\)](#))

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SECTION 3

Meeting Procedures



Section 3. MEETING PROCEDURES

3.1 APPLICABILITY OF THESE PROCEDURES

These meeting procedures apply to meetings of the Board and its subcommittees.

3.2 BROWN ACT AND OPEN GOVERNANCE ORDINANCE

The Brown Act (Government Code sections 54950 et seq.) is the state's open meeting act. The Brown Act applies to all city boards and commissions. The Brown Act sets forth notice and agenda requirements, provides for public comment, requires that meetings be conducted in open session (except where closed session is expressly authorized), and prohibits discussing or taking action on matters not included on the agenda. The provisions in this policy manual concerning meeting procedures are intended to restate and supplement the Brown Act. To the extent any provision in the Board Book may be inconsistent with the Brown Act shall prevail.

Berkeley's Open Government Ordinance ensures that community members can access public meetings and documents. This local ordinance provides additional regulations on top of the State of California's Brown Act and Public Records Act. Read the full text of the [Berkeley Open Government Ordinance](#).

For more information see [Commissioners Manual Chapter IV](#).

3.3 MEETING LOCATIONS

Police Accountability Board meetings are generally held in person in public buildings. Members may attend remotely in accordance with [Government Code § 54953\(f\)](#).

(Source: Commissioner's Manual Chapter V.B.1)

3.4 BOARD MEMBER ATTENDANCE AT BOARD MEETINGS

Board members shall, to the extent practicable, attend all Board meetings. Board members unable to attend a meeting should notify the Chair and the Director of Police Accountability (or their designee) as soon as possible.

Members should notify the chair or Board secretary when they leave a meeting permanently prior to its official adjournment.

Commented [LA21]: Links directly to this section

Commented [SM22]: Link:
<https://berkeleyca.gov/sites/default/files/documents/Commissioners%27%20%26%20Board%20Members%27%20Manual%202025%20Edition.pdf#page=41>

Commented [LW23R22]: LA

3.41 DEFINITION OF A QUORUM

A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. For the PAB and its subcommittees, a quorum is one more than half of the body of the seats filled.

(Source: [Charter §\(13\)\(b\)](#))

3.5 AGENDAS

The Board secretary in consultation with the Board chair prepares agendas for Board meetings. Board members may submit recommended agenda items to the chair for consideration as soon as practicable but at least 7 days prior to the scheduled.

3.6 CLOSED SESSION

All matters discussed in closed session are confidential. Members of the public are not allowed in the meeting room during closed session.

The Brown Act (Gov. Code §54956.9–54957.6) sets forth the following nonexhaustive list of examples of matters that can be considered in closed session:

- Certain personnel matters, such as the appointment, evaluation, or dismissal of Board- appointed staff (*Gov. Code §54957 (b)*)
- Anticipated and pending litigation *Gov. Code §54956.9)*
- Collective bargaining *Gov. Code §54957.6)*

3.7 RECORD OF MEETINGS

Minutes of topics discussed and decisions made at Board meetings shall be maintained by the Board secretary.

Minutes of standing subcommittee meetings shall be maintained by subcommittee Chairs and provided to the Board secretary following each meeting.

3.8 VOTING ON MOTIONS

With a quorum of the body present at a duly noticed meeting, approval of a motion requires a majority vote of those members who are present and voting.

To vote at a meeting, Board members must be present in person or by telephone at a properly noticed address. Voting by proxy is not allowed. A roll call vote will be taken after each motion. Members' names will be called and each member will state their vote for the motion as follows:

- Support – Yes
- Oppose – No
- Abstain (not counted as a vote)
- Recused (not counted as a vote)

Commented [JM24]: No objection to this section, as it closely mirrors what was previously in place. However, an issue that has arisen in the past involves the submission of last-minute items. Under the standing rules, these were allowed as long as staff made a good faith effort to include them on the agenda.

However, under the Brown Act, agendas cannot be amended within 72 hours of the meeting. I recommend adding a note to clarify this restriction. Additionally, for items submitted within seven days of the meeting, we should implement a filtering process to determine whether the item is time-sensitive or if it can be deferred to a future meeting. Such mechanism can be an approval by the Chair or Director.

At in-person meetings substitution of the roll is allowed as long as there has been no change in the composition of the body since the last vote or since the call of roll and no members object. Substitution of the roll allows the Board to take action without a roll call vote but, instead, by affirmation of those present without objection.

Substitution of the roll is not permitted at meetings that are held by video- or telephone- conference.

3.81 ABSTENTIONS

An abstention is an intentional decision by a voting member to not cast a vote on a particular issue or motion. This can occur for various reasons, such as feeling a lack of sufficient information on the issue or believing there is a potential conflict of interest that does not necessarily require formal recusals. Abstentions are not counted towards the total number of votes cast. This means that an issue might pass if more members vote in favor than against, regardless of the number of abstentions.

Commented [JM25]: I understand that Robert’s Rules permit this approach and that it is legally acceptable. However, I’m curious about the City’s official stance on the matter. For instance, if we have five board members and two abstain, only two affirmative votes would be needed to pass a motion, which could present concerns. This might be something for the City Attorney’s Office to review or clarify.

3.82 RECUSALS

A recusal is a formal process where a Board member removes themselves from participating in a decision-making process due to a potential or perceived conflict of interest or bias.

3.9 MEETING RULES

The Board and its subcommittees will use [Rosenberg’s Rules of Order](#), to the extent they do not conflict with state law (e.g., the Brown Act), as a guide when conducting its meetings.

Commented [26]: simpler guide vs. Brown act or Bagley keene.

3.10 AUDIO/VISUAL RECORDING OR WEBCAST

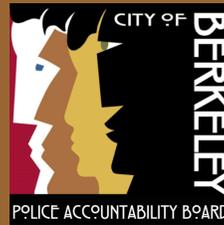
Audio and video of meetings may be recorded and/or broadcast live via Zoom or similar platform.

3.11 PUBLIC COMMENT

The PAB welcomes all public comment at all of its public meetings and appreciates listening to a wide range of viewpoints. The PAB has adopted a public comment policy reflecting these values. The public comment policy applies to all Board and subcommittee meetings. The policy can be found in **Appendix E**.

SECTION 4

Board Planning and Fiscal Oversight



Section 4. BOARD PLANNING AND FISCAL OVERSIGHT

4.1 STRATEGIC PLANNING

The Board conducts a planning session in the first quarter of its year to review its progress and identify new measures to enhance its efficacy and impact.

4.1.1 POLICE ACCOUNTABILITY BOARD BUDGET OVERSIGHT

The PAB has the power to review and make recommendations to the City Council regarding the Berkeley Police Department budget. Each January the PAB will determine if it will exercise this power with respect to the upcoming budget development cycle.

(Source: [Charter §125\(21\)](#))

The PAB also has the power to propose a budget to the City Council for its operations. Each January the PAB will determine if it will exercise this power with respect to the upcoming budget development cycle.

(Source: [Charter §125\(4\)\(b\)](#))

Commented [27]: Right timeframe ODPA?

Commented [SM28R27]: January aligns with the start of the City's internal budget development cycle, so it's an appropriate reference point for when the Board would decide whether to engage in that year's review.

Commented [LA29]: I redlined in the Charter cites (§125(21) for the Police Department budget and §125(4)(b) for the PAB's own budget). Can you confirm if that's what was intended? The Charter doesn't give the Board authority over the ODPA budget.

SECTION 5

ADVOCACY; LEGISLATION, RULEMAKING, AND AMICUS CURIAE



Section 5. ADVOCACY; LEGISLATION, RULEMAKING, AND AMICUS CURIAE

5.1 LEGISLATION

The PAB can make recommendations to the City Council for enacting legislation or regulation that will further the goals and purposes of Article XVIII of the City Charter. The City Council may, based on such recommendations or on its own initiative, enact ordinances that will further the goals and purpose of this Article.

(Source: [Charter §\(29\)](#))

Commented [LW30]: Move this to a source

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SECTION 6

COMMUNICATION



Section 6. COMMUNICATION

6.1 CONTACT FOR POLICE ACCOUNTABILITY BOARD INQUIRIES

The only persons with standing authority to respond to inquiries made to the Board, or to make public statements on behalf of the Board are the DPA, the PAB chair, or their designees.

While Board members may not speak on behalf of the PAB unless expressly authorized to do so, Board members may communicate regarding matters related to Board if:

- The communication is clearly designated as the member's individual act, opinion, or position and not that of the Board as a whole; and
- No confidential matter or document is commented upon or published or released without prior Board approval; and
- No ODPA funds are expended to further the communication, unless prior Board approval is obtained.

6.2 USE OF POLICE ACCOUNTABILITY BOARD STATIONERY AND BUSINESS CARDS

PAB official letterhead and business cards are administered by the ODPA and may be used only for official PAB business. All correspondence using PAB letterhead must be transmitted through ODPA staff or a designated Board representative authorized by the Director. Business cards will be made available to Board members upon request

6.3 ELECTRONIC COMMUNICATIONS (EMAIL)

Board members are encouraged to use their official City of Berkeley email addresses when conducting PAB business. This will ensure that the information created, transmitted, and received by Board members is stored on the City of Berkeley's email server and will enable Board members and the ODPA to easily search for records responsive to California Public Record Act requests without having to search through personal or work-related emails. It will also ensure that Board information is securely and confidentially maintained.

6.4 RESPONDING TO INQUIRIES FROM THE PUBLIC OR MEDIA

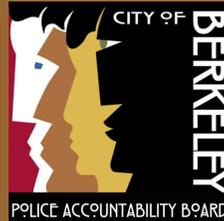
All inquiries should be forwarded to the DPA or their designee.

Commented [31]:
Relevant at all ODPA?

Commented [SM32R31]: Good question — I think it's still somewhat relevant since letterhead and cards technically exist, even if they're rarely used. I reworded to clarify that ODPA manages official correspondence and materials, so use would only occur under staff direction.

SECTION 7

EXPENSE REIMBURSEMENT AND STIPENDS



Section 7. EXPENSE REIMBURSEMENT AND STIPENDS

7.1 BOARD MEMBER TRAVEL

Board members will be reimbursed for expenses incurred while conducting official PAB business, consistent with [Administrative Regulation 3.9](#) (Attendance and Payment of Expenses Associated with Conferences, Meetings, Seminars, Trainings, and Workshops). To seek reimbursement, all members must submit a completed FN-024 Payment Voucher and Statement of Expense form, with required receipts and supporting documentation, to the Board Secretary within 30 days after the event. Members should employ expense discipline to minimize travel costs. ODPa staff will provide Board members with the current forms, guidance on eligible expenses, and any updates to reimbursement procedure.

(Source: Administrative Regulation 3.9)

7.2 TRAVEL ARRANGEMENTS

Board members are responsible for arranging their own travel to and from PAB meetings and events. For conferences that require travel, such as NACOLE, Board members should work with staff to coordinate transportation, lodging, and related expenses. All conference-related expenses must be reviewed and approved by the DPA before attendance or the purchase of any arrangements.

7.3 STIPENDS

Pursuant to Berkeley City Charter section 125(11)(a), Board members are entitled to receive a stipend of \$100 for each regular or special Board meeting attended, and \$20 per hour for each hour of training under section 125(12) or subcommittee meeting attended. Excluding training, the total monthly stipend may not exceed \$300 per Board member. Under section 125(11)(b), stipends and the total monthly amount may be adjusted by the City Council no more than once per fiscal year, with any increase limited to changes in the cost of living for the San Francisco Bay Area as measured by official U.S. economic reports.

The DPA is responsible for submitting quarterly payment forms to the Finance Department and ensuring that each Board member has completed the necessary forms to receive their stipend. Board members are required to complete all onboarding forms, including the vendor registration form, W-9, and ACH Direct

Commented [33]:

ODPA staff to rewrite this section to reflect actual policies

Commented [SM34R33]: Updated to mirror AR 3.9 requirements: references FN-024 Voucher + Statement of Expense

Commented [LW35]: Move this to a source

Deposit form, and submit them to ODPA staff. ODPA staff will provide these forms and assist in their completion as part of the onboarding process for new Board members.

Pursuant to section 125(11)(b) of the City Charter, stipends shall be calculated based on the total number of regular and special meetings attended, the number of training hours completed, and hours served on subcommittees. Except for training hours, the total monthly stipend for each Board member shall not exceed \$300, unless the Council authorizes an adjustment to this cap. ODPA staff shall maintain attendance records for all regular, special, and subcommittee meetings at which staff support is provided. For subcommittee meetings that do not require ODPA support, it shall be the responsibility of the subcommittee chair to report to the ODPA the attendance of Board members, the number of hours served, and the subcommittee in which the members participated. At the end of each quarter, ODPA will submit a stipend report to the City's Finance department for processing.

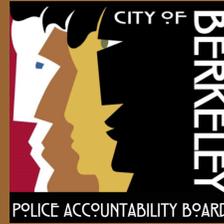
PAB members should record training hours [here](#), and subcommittee meeting time [here](#).

(Source: [City Charter Section 125\(11\)](#) & [Administrative Regulation 3.2](#))

DRAFT

SECTION 8

BOARD MEMBER TRAINING



Section 8. BOARD MEMBER TRAINING

8.1 BOARD MEMBER ORIENTATION

(a) The DPA shall establish mandatory training requirements for Board members. Within the first six (6) months of appointment, at a minimum, each Board member shall receive forty (40) hours of training on the following:

- (1) Quasi-judicial duties and obligations of the Board;
- (2) Constitutional rights and civil liberties;
- (3) Fundamentals of procedure, evidence and due process;
- (4) The Public Safety Officers Procedural Bill of Rights Act;
- (5) Police Department operations, policies, practices, and procedures; and
- (6) Duties, responsibilities, procedures and requirements associated with all ranks and assignments.

The DPA shall develop training provided to Board members. The Chief of Police and a representative from the Berkeley Police Association shall have input on training provided to Board members and shall have the opportunity to attend all training provided.

Board members should log training hours completed [here](#).

(Source: [Charter §125 \(12\)\(a\)](#))

8.2 ANNUAL BOARD MEMBER TRAINING

As determined by the Chair, in consultation with the Director of Police Accountability, ongoing training of the Board will be provided throughout the year to ensure members remain informed and effective in their oversight duties. As determined by the chair, in consultation with the DPA, ongoing training of the Board will be given as needed throughout the year. Topics may include: use-of-force review and de-escalation practices, complaint investigation procedures, civilian oversight best practices, bias-based policing, civil rights and equity in enforcement, ethics, confidentiality and conflict-of-interest standards, and community engagement, transparency, and public communication.

Commented [36]: ODPa to rewrite to reflect requirements and recently adopted policies as well as link to training log

Commented [LW37]: ODPa add link to log

Commented [SM38R37]: Added the Link to training log

APPENDIX A STANDING SUBCOMMITTEES OF THE POLICE ACCOUNTABILITY BOARD



APPENDIX A: STANDING SUBCOMMITTEES OF THE POLICE ACCOUNTABILITY BOARD

The PAB may establish standing and ad hoc subcommittees to carry out its work. Subcommittees operate under the authority of the Board, and their recommendations are subject to approval by the full Board. In addition to subcommittees, the PAB may designate liaisons to serve as primary points of contact and subject-matter experts for various internal, BPD, or city initiatives.

METRICS & OPERATIONS SUBCOMMITTEE

CHARGE

The Metrics and Operations Subcommittee develops and maintains the PAB Policy Manual, oversees the process by which the Board conducts voluntary policy reviews (Appendix C), and monitors the effectiveness of Board operations. Its responsibilities may also include reviewing the BPD budget, tracking Board performance metrics, and assessing the implementation of processes. The subcommittee provides recommendations to promote transparency, accountability, and operational efficiency.

OUTREACH & ENGAGEMENT SUBCOMMITTEE

CHARGE

Leads public engagement, community outreach, and education efforts. Reviews and recommends commendations for BPD personnel. The commendations review and recommendation process is outlined in **Appendix E**.

POLICY SUBCOMMITTEE

CHARGE

Reviews Berkeley Police Department (BPD) policies, practices, and procedures and develops recommendations for the full Board.

REGULATIONS SUBCOMMITTEE

Commented [LW39]: Should it say Appendix A here when it has that in the header above?

Commented [LA40R39]: I should have explained this when I sent back the manual. The table of contents will link to the correct sections once the document is converted to PDF, but that only works if the section titles appear in the body of the document as headings. Since the current draft has some titles only in the page headers, I had to repeat them in the body so the TOC links will function properly

Commented [LW41]: So there will be one Appendix for all subcommittees, one for Personnel Investigations, and one for Policy Reviews. The document linked to in the comment below actually outlines process for policy reviews. The verbiage I have in the Charter for Policy Committee is wrong - it goes with policy reviews which is not actually what policy committee does. So three Appendices. You've got info for two of them. I'll send something else re Personnel Investigations.

Commented [LA42R41]: revised to clarify that the Policy Committee handles internal PAB policy/procedure development, not BPD policy reviews.

Commented [LW43R41]: This isn't correct. The Policy Committee reviews BPD policies. Policy reviews are something different - and that process is detailed in that attachment. This manual will replace the Standing Rules, FYI.

Commented [LA44R41]: Can you confirm this revision?

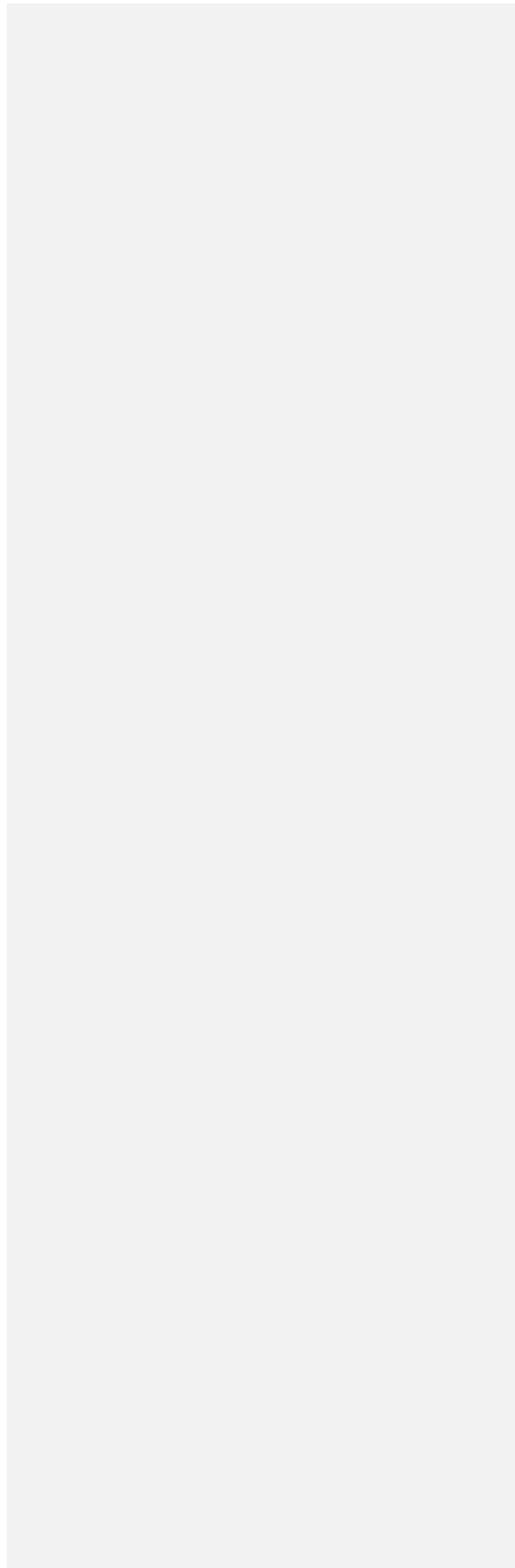
Commented [LW45]: Please see this document https://docs.google.com/document/d/1pcxzB7cmAFggbfJiFt_N20bx-KVnbhZs/edit?usp=sharing&oid=102185011990766980234&rtpof=true&sd=true for the referenced write up re process for reviewing policies. I guess it can be included here or its an attachment to this appendix?

Commented [SM46R45]: I requested Access

CHARGE

Reviews and recommends revisions to Board regulations, ensuring consistency with the Charter and Municipal Code.

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APPENDIX B

PERSONNEL INVESTIGATIONS



APPENDIX B: PERSONNEL INVESTIGATIONS

The PAB has authority under the City Charter and [Interim Regulations](#) to review and make findings on complaints against sworn employees of the Berkeley Police Department. The process for conducting these investigations is summarized briefly below and can be found in full in the Interim Regulations.

PROCESS

Step 1 - Filing a Complaint

Complaints may be submitted by individuals directly impacted, eyewitnesses, or their representatives. They must generally be filed within 180 days of the incident, unless tolling exceptions apply. Complainants may opt for mediation instead of investigation.

Step 2 - Screening and Investigation

Once a complaint is received, the Director screens it for sufficiency. If accepted, a notice of complaint is issued to subject officers within ten days. Investigations must be completed within 120–195 days, depending on the circumstances. Investigations are expected to be thorough, objective, and fair, and may include:

- Interviews with complainants, witnesses, and officers
- Review of relevant documentation (e.g., reports, photographs, video)
- Field visits to incident locations

Step 3 - Findings and Recommendations

At the conclusion of the investigation, the Director issues a report to the PAB with findings and recommendations. The PAB may accept, modify, or reject the recommendations. The PAB may also request that a hearing be held if they can't decide based on the presented findings and recommendations. If accepted, the findings are forwarded to the Chief of Police. The Chief may agree or disagree. If there is disagreement, the matter can be referred to the City Manager for final resolution.

Step 4 - Hearing Procedures

Hearings are convened when further fact-finding is necessary. A three-member panel from the PAB conducts closed hearings, during which both the complainant and the subject officer are required to

Commented [LW47]: What I have currently in Appendix A are two of the subcommittees though the names aren't totally correct. See https://drive.google.com/file/d/1aB4ibz2mYMOgBuRUOW4qjhPoCSn4Zuhj/view?usp=drive_link for current subcommittee list. One appendix should contain each of these with formatted subheaders (Charge and appointment process I think that's it something like that. We won't list individual members here and there are no terms for these!

Commented [LW48]: Did I send you the interim regulations? We should link to them.

testify. The panel then deliberates and votes on each allegation, and their findings are forwarded to the Chief of Police.

CONFIDENTIALITY

All personnel investigations and related materials are confidential under California Penal Code [§832.7–832.8](#), the Peace Officers’ Bill of Rights ([Gov. Code §3300 et seq.](#)), and applicable provisions of the Public Records Act. Investigation files and deliberations are conducted in closed session. Only authorized summaries or statistical data may be released publicly as permitted by law. All Board members and ODPA staff are required to sign and adhere to confidentiality agreements and may not disclose case details outside the official review process.

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APPENDIX C

POLICY REVIEWS



APPENDIX C: POLICY REVIEWS

The PAB may initiate a review of a BPD policy, practice, or procedure by a majority vote of its members. Reviews may be initiated sua sponte by any Board member or in response to a filed complaint.

Once the Board votes to initiate a policy review, the following process will generally apply:

REVIEW BY POLICY COMMITTEE

The Policy Committee will make a recommendation to the full Board on how the review should be assigned.

Assignment Options:

- Assigned to a specific Board member.
- Assigned to the Policy Committee.
- Assigned to a specially designated ad hoc subcommittee.
- Assigned to the ODPA.
- Review not recommended.

Factors to be considered in generating the assignment recommendation include:

- Scope of review: Broad versus narrow scope. ODPA staff will provide a brief analysis of the policy at issue and any related policies to support the committee's determination.
- Workload: The capacity of Board members, the Policy Committee, and ODPA staff.
- Timeline: The desired timeline for completion.
- Impact and necessity.

Assignment of Priority:

- Tier 1: 3 months.
- Tier 2: 6 months.
- Tier 3: 12 months.

Priority will be based on impact, urgency, public interest, and Board member interest.

Commented [LW49]: Reformat to be in brown like the other sections - no black bold used or roman numerals.

Commented [SM50R49]: Reformatted to brown and removed roman numerals.

BOARD ACTION ON POLICY COMMITTEE RECOMMENDATION

The Board will take formal action based on the Policy Committee's recommendation for assignment of the review.

SCOPE OF AND PROCESS FOR REVIEW

The scope of the review may include any of the following steps. Not all steps will be required for each review. The entity or Board member conducting the review may determine which steps are appropriate. ODPa will manage the process and documentation.

- A. Participation of BPD: BPD will be encouraged to participate in the review process.
- B. Determination of Policies to be Addressed: Identify the specific policy or policies to be reviewed, including related policies as appropriate.
- C. Assessment of Current Interpretation and Enforcement: Evaluate how the policy is currently interpreted and enforced by BPD.
- D. Analysis of Complaints: Review any complaints received by BPD regarding the policy. This analysis will be coordinated with the BPD SPAM unit.
- E. Identification of Parallel Policies: Research and identify similar policies in comparable jurisdictions.
- F. Research Best Practices: Determine best practices relevant to the policies under review.
- G. Community Input: Seek community input on the existing policy and any proposed modifications.

PREPARATION OF FINAL REPORT

The final report will include:

- A. Summary of Scope and Process: Overview of the scope and process of the review.
- B. Key Findings and Recommendations: Main findings and recommendations.
- C. BPD Feedback:
 - BPD will have the opportunity to review the draft report before it is submitted to the PAB.
 - BPD's feedback, including points of agreement and opposition, will be submitted concurrently with the draft report.

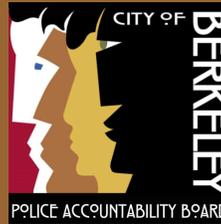
BOARD ACTION ON FINAL REPORT

A majority of the Board will approve the final report and close the review. The final report will be transmitted to the complainant (if applicable), BPD, and posted on the ODPa website. As appropriate, reports will also be submitted to the City Council.

ODPA/PAB Annual Reports will include a link to all policy reviews completed during the respective year.

APPENDIX D

PUBLIC COMMENT POLICY



APPENDIX D: PUBLIC COMMENT POLICY

The PAB is required to take public comment at the beginning and end of each Board meeting. The PAB welcomes public comment at its meetings and values diverse viewpoints. This policy ensures the public's right to be heard while allowing the Board to conduct business efficiently.

Waive Rules in Case of Emergency Situations

The Board may waive or override the above rules in case of an emergency or to maintain the orderly conduct of the meeting, consistent with applicable provisions of the Brown Act.

Please note that comments and materials received will, in full, become part of the public record.

Written Comment

- Members of the public may submit comments in writing before any public meeting by sending them directly to the email address listed on the agenda.
- To allow sufficient time for the Board to review written public comments, members of the public are encouraged to submit written comments at least 24 hours prior to the start of a meeting. Written comments received less than 24 hours before the start of the meeting may not be provided to members prior to the meeting but in any event will be distributed the following business day.
- Instructions for submitting comments are posted on meeting webpages and agendas.

Oral Comment

- Public comment may be given in person, by phone, or video. Instructions are online and include sign-up procedures.
- Advance sign-up is encouraged but not required; speakers are called in order of sign-up or appearance.
- The chair sets equal time limits for speakers (at least two minutes). Groups with shared positions are urged to appoint a spokesperson.
- Speakers cannot cede their time to another speaker.
- The chair has the discretion to allow members of the public who wish to speak following closure of the public comment period to make remarks at any time during the meeting.

Commented [LW51]: Don't know if this applies to the PAB

Commented [SM52R51]: Good point — I don't think this waiver clause applies to the PAB, since our Charter and the Brown Act don't authorize suspending public-comment rules. Maybe we can reword it to something like: "The Board may temporarily adjust procedural rules to maintain order or ensure efficient conduct of meetings, consistent with the Brown Act and the City Charter."

- After two hours of public comment or 100 speakers, the chair may close the comment period. Organizational entities directly affected by an action may receive additional time if they request it 72 hours in advance.

Requests to Speak

- Requests may be made in advance (deadline: 24 hours before) or at the meeting. Confirmation will be provided for advance requests.
- Speakers must provide their name and the agenda item or topic.
- When a large number of speakers wish to comment on one item on the agenda, the chair may decide to take general public comment at the start of the meeting and take public comment on a specific agenda item when that item is called.

Accommodations

- Requests for interpreters or other accommodations must be made at least three business days in advance.
- Interpreters will be provided free of charge, and speakers using them receive double the time. Other accommodations will be sufficient to ensure equal opportunity to speak.

Decorum

- Meetings are limited public forums: speakers must stay on topic.
- Disorderly conduct, abusive or threatening language, or disruption may result in removal.
- The City of Berkeley and PAB prohibit harassment or discrimination against employees or the public based on any protected characteristic. If discriminatory comments occur, the chair may admonish the speaker, pause the clock, allow them to finish, and, if needed, call a recess.

Signs and Displays

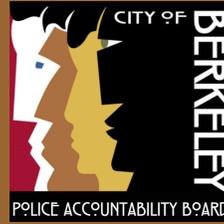
- In-person attendees may not display items that obstruct others' view. Signs or props must be no larger than 8.5 x 11 inches and cannot be attached to poles or sticks.

Emergency Waiver

The PAB may temporarily adjust these rules in emergencies to maintain order or ensure the efficient conduct of meetings, in accordance with the Brown Act and the Berkeley City Charter. All comments and materials become part of the public record.

APPENDIX E

COMMENDATIONS PROCESS



APPENDIX E: COMMENDATIONS PROCESS

Section 125(26) of the Berkeley City Charter requires the Police Accountability Board (PAB) to establish a regular means of recognizing sworn employees of the Police Department for instances of outstanding service.

PURPOSE

This appendix outlines the structure and process for commendations, based on the memorandum submitted by Board Member Brent Blackaby (November 3, 2023), prior Standing Rules guidance, and subsequent ODPA recommendations.

CRITERIA FOR COMMENDATION

The Board may commend sworn officers or civilian employees of the Berkeley Police Department (BPD), or groups thereof, who perform extraordinary service, including:

1. Exceptional valor, bravery, or heroism
2. Superior handling of a difficult situation
3. Performance above and beyond typical duties
4. Extraordinary compassion, empathy, or kindness

COMMENDATIONS PROCESS

1. Subcommittee Structure

- The Commendations Subcommittee is composed of 2–3 Board members and 2–3 public members.
- The Subcommittee reviews commendation submissions from the public, the Department, and Board members, pre-sorted and categorized by the Board Secretary.

2. Quarterly Review

- The Subcommittee meets quarterly to review submissions.
- It recommends a group of sworn officers or employees for official commendation and identifies additional individuals for inclusion in a “Notable Service” packet.

3. Board Action

- The Subcommittee’s recommendations are agendaized for Board consideration.
- Commendations require majority approval of members present to pass.

- Approved commendations are communicated to City Council and the Chief of Police, and added to personnel files as appropriate.

4. Recognition Methods

The Board may choose additional recognition methods, including:

- Certificates or plaques
- Public recognition at events (e.g., BPA Annual Dinner)
- Other acknowledgments, subject to budget approval

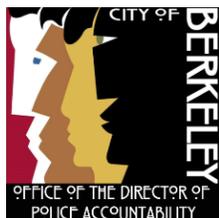
IMPLEMENTATION NOTES

- The Board Secretary agendas commendations as they are received.
- A motion to commend must describe the action or incident giving rise to the recognition and explain how it meets the criteria.
- Commendations and Notable Service packets are included in ODPA/PAB annual reporting.



Item 9.h.

ODPA Memorandum Titled “2025 ODPA Review of BPD Policy 300 and Recommendations for the PAB’s Annual Convening”



MEMORANDUM

Date: November 26, 2025
 To: Honorable Members of the Police Accountability Board (PAB)
 From: Hansel A. Aguilar, Director of Police Accountability (DPA) *HA*
 Jose Murillo, ODPa Policy Analyst *JM*
 Dan Weinberg, ODPa Investigator *DW*
 Subject: 2025 ODPa Review of BPD Policy 300 and Recommendations for the PAB's Annual Convening

I. PURPOSE AND BACKGROUND

Pursuant to Berkeley Police Department (BPD) Policy 300.13¹'s requirement for the BPD and the PAB to convene to review and update the Use of Force Policy (at least annually), this brief memorandum is prepared to assist the PAB in its contemplated annual convening. Specifically, this review supplements the ODPa's 2024 Policy Review Report on BPD Policy 300 (Use of Force),² which first introduced the doctrine of *officer-created jeopardy* and recommended that the BPD and PAB incorporate this concept into policy, training, and after-action review.

Since that report, the legal and professional landscape around officer-created jeopardy has evolved in ways that reinforce ODPa's prior recommendations and support formal codification of this doctrine.

II. EVOLVING LEGAL AND PROFESSIONAL CONTEXT

1. Barnes v. Felix (2025) and Officer-Created Jeopardy

In *Barnes v. Felix*, 605 U.S. ___, 145 S. Ct. 1353 (2025),³ the U.S. Supreme Court unanimously rejected the Fifth Circuit's "*moment of threat*" doctrine and reaffirmed that the Fourth Amendment reasonableness inquiry must consider the totality of the circumstances—with no temporal limit on relevant facts.⁴ The case squarely raised whether courts may consider pre-seizure officer conduct that contributes to the need to use deadly force, conduct that Professor Cynthia Lee and others describe as "officer-created jeopardy."⁵

¹ **300.13 POLICY REVIEW AND UPDATES**

This policy shall be regularly reviewed and updated to reflect developing practices and procedures. At least annually, the Berkeley Police Department and the PAB shall convene to review and update the Use of Force Policy to reflect developing practices and procedures per SB 230

https://berkeleyca.gov/sites/default/files/2022-05/Use_of_Force.pdf

² Office of the Director of Police Accountability, Policy Review Report: BPD Policy 300 – Use of Force & Policy 428 – First Amendment Assemblies (2024) (hereinafter "2024 ODPa Policy Review Report"):

<https://berkeleyca.gov/sites/default/files/documents/2024-PR-0001%20Policy%20Review%20Report.pdf>

³ *Barnes v. Felix*, 605 U.S. ___, 145 S. Ct. 1353 (2025)

https://www.supremecourt.gov/opinions/24pdf/23-1239_onjq.pdf

⁴ *ibid*

⁵ See Cynthia Lee, *Officer-Created Jeopardy: Broadening the Time Frame for Assessing a Police Officer's Use of Deadly Force*, 89 Geo. Wash. L. Rev. 1362 (2021), discussed in 2024 ODPa Policy Review Report, *supra* note 2.

https://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=2785&context=faculty_publications

While the Court declined to expressly resolve whether officer-created jeopardy must be considered by the trier of fact, its rejection of narrow time-framing meaningfully strengthens the doctrinal footing for departments that expect officers to avoid tactics that unnecessarily create or heighten jeopardy and that evaluate force within a broader temporal frame consistent with California’s “necessity” standard under AB 392⁶ and Penal Code § 835a.⁷ Lee’s 2025 commentary on *Barnes* underscores how the decision opens space for agencies and courts to treat officer-created jeopardy as a core part of the reasonableness analysis.⁸

2. Towards a Professional Consensus: NACOLE 2025

The concept of officer-created jeopardy has also gained prominence in national oversight practice. At the 2025 NACOLE Annual Conference, a dedicated session titled “*Officer Created Jeopardy and How It Results in Deadly Force Incidents*” was included in the main program (Day 3, October 29, 3:30–5:00 p.m.),⁹ reflecting that civilian oversight agencies across the country are treating this doctrine as a critical framework for assessing and preventing harmful force incidents.

III. 2025 ODPa GENERAL RECOMMENDATIONS FOR PAB AND BPD CONSIDERATION

For the 2025 annual convening of Policy 300, ODPa respectfully reaffirms and updates its prior recommendation:

1. Codify *Officer-Created Jeopardy* in Policy 300. Add an express definition and accompanying principles that:
 - a) recognize pre-incident tactical decision-making as part of the totality of circumstances, and
 - b) direct officers to avoid tactics that unnecessarily create or escalate risk.
2. Align Policy Language with *Barnes* and merging Best Practices.

Make clear that BPD will evaluate uses of force in light of both the officer’s and the subject’s conduct leading up to the use of force, consistent with *Barnes*’ rejection of narrow time-framing and with the officer-created jeopardy framework developed in the academic literature and increasingly applied by oversight agencies.

⁶AB 392, Weber. Peace officers: deadly force.

https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB392

⁷ Penal Code § 835a

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=835a.

⁸ Cynthia Lee, *Police Officer Use of Force and Officer-Created Jeopardy After Barnes v. Felix: The Supreme Court’s Important (Albeit Incomplete) Step in the Right Direction*, 17 ConLawNOW 13 (2025).

https://scholarship.law.gwu.edu/faculty_publications/1801/

⁹ NACOLE, 2025 Annual NACOLE Conference: Reckoning & Resilience in the Post-George Floyd Era, Day 3 Schedule (Oct. 29, 2025) (“*Officer Created Jeopardy and How It Results in Deadly Force Incidents*,” 3:30–5:00 p.m.). https://assets.nationbuilder.com/nacole/pages/1822/attachments/original/1761416665/Printable_Schedule.as_of_10.25.2025.docx.pdf?1761416665

3. Integrate Doctrine into Training, Supervision, and Review.

Incorporate officer-created jeopardy into:

- a) De-escalation and tactical decision-making training;
- b) Supervisory coaching and early intervention to include after action BWC; and
- c) After-action and critical incident reviews, including PAB and ODPAs reviews of serious incidents.

IV. RECOMMENDED UPDATED MODEL LANGUAGE FOR POLICY 300

The following draft language is offered as model text for consideration. It is intentionally concise and designed to be refined in consultation with BPD, the City Attorney, and the PAB.

A. New Definition in Policy 300 (Definitions Section)

Officer-Created Jeopardy – *Pre-incident or pre-seizure decisions, tactics, or omissions by an officer that unnecessarily increase the likelihood that force will be used, or that place the officer or others in greater danger than was reasonably necessary under the circumstances. In evaluating the necessity, proportionality, and reasonableness of force, the Department will consider the totality of the circumstances, including whether reasonably available alternatives (e.g., using time, distance, and cover; requesting additional resources; slowing or pausing the encounter; or disengaging) were feasible and used to avoid creating such jeopardy.*

B. Potential Considerations For New Core Principles- 300.1.3(H):

H. TACTICAL FORESIGHT AND OFFICER-CREATED JEOPARDY. *Consistent with the force minimization, proportionality, and de-escalation tactics set out in this policy, officers are expected to exercise tactical foresight and avoid decisions that unnecessarily create or escalate jeopardy to themselves or others. In reviewing uses of force, the Department will consider, as part of the totality of the circumstances, whether reasonably available alternatives identified in this policy were disregarded in a manner that unnecessarily increased the likelihood that force would be needed.*

C. Add As A New Factor At The End Of 300.3.1:

(t) *In applying subsections (d) (conduct of the involved officer) and (j) (availability of other reasonable and feasible options), whether any avoidable tactical decisions or omissions by the officer unnecessarily created or escalated the risk that force would be needed (“officer-created jeopardy”), recognizing that such conduct is one factor among many in the totality of the circumstances.*

V. REQUESTED ACTION

For purposes of the 2025 annual Use of Force Policy review, ODPA respectfully requests that the PAB:

1. Formally consider further exploring with the BPD the integration of officer-created jeopardy into Policy 300 using language substantially similar to the model above;
2. Request that BPD, PAB and ODPA collaborate on final policy redlines and implementation planning, including training and review implications; and
3. Require that future annual reviews of Policy 300 include an assessment of how officer-created jeopardy is being addressed in practice, including case reviews, training, and supervision.

ODPA stands ready to work with the PAB, BPD, and the City Attorney's Office to finalize language that is legally sound, operationally workable, and aligned with both *Barnes* and evolving best practices in civilian oversight.

Off Agenda 1

Legislative Updates Relevant to the PAB's Work

Public



MEMORANDUM

Date: November 26, 2025
To: Honorable Members of the Police Accountability Board
From: Hansel Aguilar, Director of Police Accountability *HA*
 Jose Murillo, ODPa Policy Analyst *JM*
Subject: Legislative Updates

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

State Legislative Updates¹

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

NAME OF LEGISLATION	STATUS	SUMMARY/PURPOSE
<u>SB 385 “Peace Officers”</u>	<i>(Passed) 2025-10-01 - Chaptered by Secretary of State. Chapter 218, Statutes of 2025.</i>	This bill, SB 385, requires peace officers hired on or after January 1, 2029, to obtain a modern policing degree or a bachelor's or advanced degree from an accredited institution within 36 months of employment. It builds on existing certification and education requirements and takes effect immediately as an urgency statute.
<u>AB1178 “Peace Officers”</u>	<i>(Passed) 2025-10-11 - 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>	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>AB1388 “Law enforcement: settlement agreements.”</u>	<i>(Passed) 2025-10-13 - Chaptered by Secretary of State - Chapter 729, Statutes of 2025.</i>	AB 1388 aims to enhance transparency in law enforcement by prohibiting agencies from entering into nondisclosure agreements regarding police misconduct.
<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>	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>	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>	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.
<u>AB487 “Peace officers: confidentiality of records.”</u>	<i>(Passed) 2025-10-06 - Chaptered by Secretary of State -</i>	This bill would extend access to otherwise confidential peace officer personnel records to civilian law-enforcement oversight boards and county inspectors general for use in their

	<i>Chapter 383, Statutes of 2025.</i>	investigations, while requiring these entities to maintain confidentiality and allowing them to meet in closed session to review the records. It would also incorporate additional changes to Penal Code Section 832.7 if AB 1178 or AB 1388 are enacted and this bill is enacted last.
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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 November 5, 2025:

Policy	Change	Link
BPD Policy 310 “Domestic Violence”	Adds section 310.4.3 “Arresting Officers’ Responsibilities Regarding Firearms” to incorporating the updates of Penal Code § 273.76	Not yet available via public link.
BPD Policy 317 “Public Alerts”	Updates section 317.14 “Feather Alert” by incorporating the updates to Government Code Government Code § 8594.138594.13	Not yet available via public link.
BPD Policy 319 “Hate Crimes”	Updates protected groups and incorporated language on gun violence restraining orders.	Not yet available via public link.
BPD Policy 342 “Service Animals”	Updates sections 342.4 – 342.7 by incorporating the updates to § 54.2	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:

City Council Regular Meeting of December 2, 2025

Item #	Title	Recommendation
2	<u>Amendment: FY 2026 Annual Appropriations Ordinance</u>	Adopt second reading of Ordinance No. 7,993-N.S. amending the FY 2026 Annual Appropriations Ordinance No. 7,977–N.S. for fiscal year 2026 based upon recommended re-appropriation of committed FY 2025 funding and other adjustments authorized since July 1, 2025.
3	<u>Sanctuary City Contracting Ordinance Updates</u>	Adopt second reading of Ordinance No. 7,994-N.S. amending the Sanctuary City Contracting 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.

Off Agenda 2
Policy Review Status Updates

Updated November 24, 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 November 24, 2025, the Police Accountability Board (PAB) has six (6) open policy reviews. There has been one (1) new potential policy review submitted to the ODPa since the last regular meeting on November 5, 2025 that is undergoing review before presentation to the PAB.

Policy Review Number	2023-PR-0007 ²
Policy Topic	Restraining Orders & Interactions with the Elderly
Relevant Policy	BPD Policy 313 "Senior and Disability Victimization" BPD Policy 430 "Civil Disputes"
Status	Review In Progress; Records Obtained
Date Presented to the PAB	7/24/2024
Anticipated Completion	December 17, 2025
Assigned To	ODPA
Summary	
The complainant reports ongoing disturbances, harassment, and restraining order violations by a neighbor's caretaker, raising concerns about enforcement by the Berkeley Police Department. This policy review will examine BPD's handling of interactions with elder adults and its practices regarding restraining orders, as the	

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.

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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 17, 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.
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

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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.
Assigned To	PAB Member w/ Support of ODPA

Summary

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

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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.

Activity Report

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.

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

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.

Activity Report

The subcommittee has met and identified preliminary data and information needs. ODPa staff collected the requested materials and provided them to the subcommittee.

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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 3
List of Pending PAB Request



MEMORANDUM

Date: December 3, 2025
To: Honorable Members Police Accountability Board (PAB)
From: Hansel Aguilar, Director of Police Accountability (DPA) *HA*
 Jose Murillo, ODPa Policy Analyst *Jm*
 Syed Mehdi, ODPa Data Analyst *SM*
Subject: Summary of PAB Requests (January 2025 - November 2025)

This memorandum summarizes ten requests that remain active made by the Police Accountability Board (PAB) during eighteen meetings held between January 8, 2025, and November 5, 2025. Sixteen of which were PAB Regular Meetings and two were PAB Special Meetings. The distribution of requests by stakeholders is as follows: Ten 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 – November 2025)

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

<p>4</p>	<p>5/07/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=pL5VhNQDU60</p> <p>5/07/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-05-07%20Regular%20Meeting%20Minutes.v2.pdf</p>	<p>City Clerk's Office</p>	<p>The PAB requests the opportunity to provide input on the records retention schedule. The ODPa is asked to contact the City Clerk's Office to determine the status, scope, and timeline of the project, including whether any consultants or departments will be involved, in order to identify opportunities for engagement.</p> <p>(22:19 – 24:41)</p>	<p>Open – This request is still active</p> <p>Link to Memorandum Titled "Records Retention Schedule of the BPD, PAB and ODPa": https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-05-07%20PAB%20Regular%20Meeting%20Packet%20-%20S</p>
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5	<p>5/21/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=mFBeoH6IXWI</p> <p>5/21/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT 2025-05-21 Regular Meeting Minutes Updated.pdf</p>	ODPA	<p>The PAB requests that ODPA staff look into department retention schedules of nearby jurisdictions, what NACOLE recommendations constitute.</p> <p>(1:37:21-1:37:54)</p>	Open – This request is still active.
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/sites/default/files/legislative-body-meeting-minutes/DRAFT 2025-09-03 Regular Meeting Minutes.pdf</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> <p>(44:14 – 45:35)</p>	Open – ODPA Staff will work with other stakeholders once all materials have been finalized.
7	<p>9/17/2025 PAB Regular Meeting Recording: https://youtu.be/foxCSOZ-qX0?si=nluyj5bY1qiNBdsD</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</p>	Open – This request is still active.

	<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>		<p>invite a County representative to participate via phone or Zoom.</p> <p>(16:15-17:58)</p>	
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> <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 moved that ODPA staff monitor developments in AI-assisted police report writing and report back on significant updates, including legislation (e.g., SB 524), District Attorney guidance, City policy, and BPD updates.</p> <p>(1:15:24-1:16:13)</p>	Open – This request remains active. ODPA staff maintains a legislative update log that is distributed to PAB

				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.
11	11/05/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=IPyTFxB6jyw&t=25s 11/05/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT 2025-11-05 Regular Meeting Minutes .pdf	ODPA	The PAB requested that ODPA staff place a six-month follow-up item on the agenda to evaluate the transparency impacts of radio encryption by BPD. (1:43:00-1:43:17)	Open – This request is still active.
12	11/05/2025 PAB Regular Meeting Recording:	ODPA	The PAB requested that ODPA staff start identifying alternative fixed-camera vendors so the PAB	Open – This request

<p>https://www.youtube.com/watch?v=IPytFxB6jyw&t=25s</p> <p>11/05/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT_2025-11-05 Regular Meeting Minutes .pdf</p>		<p>can make an informed recommendation to Council.</p> <p>(1:51:53-1:52:24)</p>	<p>t is still active.</p>
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