

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



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA PACKET
FEBRUARY 11, 2026
6:30 PM**

Board Members

Joshua Cayetano (Chair)	Leah Wilson (Vice-Chair)
Randy Wells	Joshua Buswell-Charkow

MEETING LOCATION

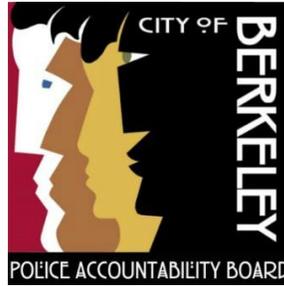
Office of the Director of Police Accountability
1900 Addison Street, Floor 3
Berkeley, CA 94704

Item	Description	Page
2	February 11, 2026 PAB Regular Meeting Agenda	1
4	Minutes for the Special Meeting of January 17, 2026	7
	Minutes for the Regular Meeting of January 21, 2026	10
8	Subcommittee List	17
9.b.	Redlined Drafts of BPD Policies 611 “Unmanned Aerial System (UAS) Operations” and BPD Policies 709 “Military Equipment”	20
9.c.	ODPA Memorandum to the PAB Titled “Proposed Resolution Rescinding the Berkeley Police Department’s Pepper Spray Reporting Requirement”	60
9.d.	ODPA Memorandum to the PAB Titled “Proposed Resolution Rescinding Resolution No. 51,408-N.S. Restricting the Use of Air Support and Canine Units and Updating Mutual Aid Policies”	79
	Draft Letter to the Public Safety Policy Committee Titled “Request for additional time to provide PAB input on “Resolution Rescinding Resolution No. 51,408-N.S. Restricting the Use of Air Support and Canine Units and Updating Mutual Aid Policies””	91
9.e.	ODPA Memorandum to the PAB Titled “Notice of Policy Complaint No. 2025-PR-0007”	94
9.f.	ODPA Memorandum to the PAB Titled “2026 Workplan Focused on S3 Partnership + Core Oversight Obligations”	101
Off Agenda Reports & Correspondences		
1	Policy Review Status Updates	106

2	Legislative Updates Relevant to the PAB's Work	112
3	List of Pending PAB Request	118
4	Communications to the PAB	123
5	2026 PAB Meeting Calendar	132

Item 2

February 11, 2026 PAB Regular Meeting Agenda



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA
WEDNESDAY, FEBRUARY 11, 2026
6:30 P.M.**

Board Members

Joshua Cayetano (Chair)
Randy Wells

Leah Wilson (Vice-Chair)
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/89007838093>. 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 **890 0783 8093**. 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 Special Meeting of January 17, 2026.
- b. Minutes for the Regular Meeting of January 21, 2026.

5. ODPa STAFF REPORT (10 MINUTES)

Announcements, updates, and other items.

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

The Chair and Board Members report on their activities.

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

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

8. SUBCOMMITTEE REPORTS (10 MINUTES)

Report of activities and meeting schedule for all subcommittees, possible appointment or reassignment of members to subcommittees, and additional discussion and action as

warranted for the subcommittees listed on the PAB’s Subcommittee List included in the agenda packet.

9. DISCUSSION AND ACTION ITEMS (1 HOUR 10 MINUTES)

- a. Discussion and action on the adoption of resolutions honoring Board Member Kitty Calavita and Board Member Juliet Leftwich for their years of service and contributions to the Police Accountability Board, Police Review Commission, and the City of Berkeley (Cayetano) - (10 Minutes)
- b. Discussion and action on the proposed policies and acquisition reports for unmanned aerial systems and drones as first responders (Cayetano) – (15 Minutes)
- c. Discussion and action on the proposed resolution rescinding the Berkeley Police Department’s Pepper Spray Reporting Requirement and relevant updates regarding the rescission and replacement of the Police Equipment and Community Safety Ordinance (Cayetano) – (10 Minutes)
- d. Discussion and action on the proposed resolution rescinding Resolution No. 51,408-N.S. restricting the use of air support and canine units and updating mutual aid policies (Cayetano) – (10 Minutes)
- e. Discussion and action on new Policy Complaint 2025-PR-0007 in accordance with Section G “Policy Complaints and Reviews” of the PAB’s Standing Rules (ODPA) – (15 Minutes)
 - i. Preliminary Review Report
 - ii. Complainant’s Statement
 - iii. Public Comment
 - iv. BPD Statement
- f. Presentation of the ODPA 2026 Workplan and Preliminary Calendar of Events (ODPA) – (10 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

Employee organization: Berkeley Police Association

- b. Government Code Section 54957
Public Employee Performance Evaluation
Title: Director of the Office of the Director of Police Accountability (ODPA)
- c. Case Updates and Recommendations Regarding Complaints Received by the ODPAs:

i. 2023-CI-0016	xiii. 2025-CI-0032
ii. 2024-CI-0004	xiv. 2025-CI-0033
iii. 2025-CI-0018	xv. 2025-CI-0034
iv. 2025-CI-0019	xvi. 2025-CI-0035
v. 2025-CI-0020	xvii. 2025-CI-0036
vi. 2025-CI-0021	xviii. 2025-CI-0037
vii. 2025-CI-0026	xix. 2025-CI-0038
viii. 2025-CI-0027	xx. 2025-CI-0039
ix. 2025-CI-0028	xxi. 2025-CI-0040
x. 2025-CI-0029	xxii. 2025-CI-0041
xi. 2025-CI-0030	xxiii. 2025-CI-0043
xii. 2025-CI-0031	

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
4. Communications to the PAB
5. 2026 PAB Meeting Calendar

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

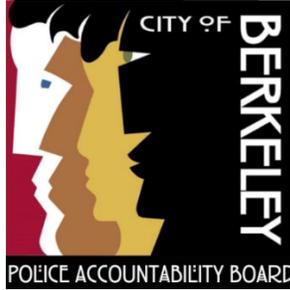
TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955

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

Email: dpa@berkeleyca.gov

Item 4

Minutes for the Special Meeting of January 17, 2026



**POLICE ACCOUNTABILITY BOARD
SPECIAL MEETING MINUTES
SATURDAY, JANUARY 17, 2026
10:00 A.M. to 2:00 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

MINUTES

1. CALL TO ORDER AND ROLL CALL AT 10:05

- Present:** Board Member Joshua Cayetano (Chair)
Board Member Leah Wilson (Vice Chair)¹
Board Member Kitty Calavita
Board Member Juliet Leftwich
Board Member Buswell-Charkow
- Absent:** Board Member Randy Wells
- ODPA Staff:** Hansel Aguilar, Director of Police Accountability
Jose Murillo, Policy Analyst
Syed Mehdi, Data Analyst
Daniel Weinberg, Investigator

¹ Vice Chair Wilson joined the meeting at 10:08 a.m., following roll call.

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Leftwich/Buswell-Charkow) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, Buswell-Charkow

Noes: None. Abstain: None. Absent: Wells, Wilson

3. PUBLIC COMMENT

0 Physically Present Speakers

1 Virtually Present Speakers

4. STRATEGIC PLANNING SESSION

The PAB evaluated its 2025 accomplishments, challenges, and lessons learned to enhance performance in 2026. The session prioritized planning mandated and discretionary activities, establishing goals, and defining strategies for the year ahead. No actions were taken.

5. PUBLIC COMMENT

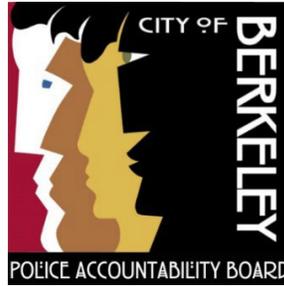
0 Physically Present Speakers

0 Virtually Present Speakers

6. ADJOURNMENT

Moved/Second (Cayetano/Leftwich). The meeting was adjourned at 1:20 pm by unanimous consent.

Minutes for the Regular Meeting of January 21, 2026



**POLICE ACCOUNTABILITY BOARD
 REGULAR MEETING AGENDA
 WEDNESDAY, JANUARY 21, 2026
 6:30 P.M.**

Board Members

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

MEETING LOCATION

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

MINUTES

1. CALL TO ORDER AND ROLL CALL AT 6:33 PM

Present: Board Member Joshua Cayetano (Chair)
 Board Member Leah Wilson (Vice Chair)¹
 Board Member Kitty Calavita
 Board Member Juliet Leftwich
 Board Member Buswell-Charkow

Absent: Board Member Randy Wells

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

BPD Staff: Deputy Chief Tate
 Lt. Coats

¹ Vice Chair Wilson arrived after roll call at 6:36 PM.

2. APPROVAL OF AGENDA

Motion to approve the agenda with modifications, including moving Item 9G to Item 9C and tabling Item 9D.

Moved/Second (Cayetano/Leftwich) Motion carried.

Ayes: Buswell-Charkow, Cayetano, Calavita, Leftwich and Wilson

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

3. PUBLIC COMMENT

0 Physically Present Speakers

4 Virtually Present Speakers

4. APPROVAL OF MINUTES

- a. Minutes for the Regular Meeting of January 7, 2026.

Motion to approve the minutes for the regular meeting of January 7, 2026.

Moved/Second (Leftwich/Wilson) Motion carried.

Ayes: Buswell-Charkow, Cayetano, Calavita, Leftwich and Wilson

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

5. ODPa STAFF REPORT

Director Aguilar provided a brief status update on the City's ongoing budget process, including the City Council's request for a ten percent budget reduction across departments and the continuation of the citywide hiring freeze. Director Aguilar and Policy Analyst Murillo also shared information regarding upcoming NACOLE webinars² and the ODPa's involvement in NACOLE committees.³

6. CHAIR AND BOARD MEMBERS' REPORTS

No activities have been reported since the last PAB meeting on January 7, 2026

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

Deputy Chief Tate provided updates regarding recent arrests, community engagement activities, staffing levels, and the BPD's strategic priorities for 2026. DC Tate also provided information regarding a recent community meeting on public safety technologies⁴ and noted that responses to community questions would be posted on the Department's website.

² NACOLE Series Webinars: <https://www.nacole.org/webinars>

³ NACOLE Committee List: <https://www.nacole.org/committees>

⁴ Event Details – BPD Community Conversation on Public Safety Technology:

<https://berkeleyca.gov/community-recreation/events/community-conversation-public-safety-technology>

8. SUBCOMMITTEE REPORTS

Subcommittees report on their activities since the last PAB meeting on January 7, 2026.

Motion to add Board Member Buswell-Charkow to the Outreach and Engagement Subcommittee.

Moved/Second (Cayetano/Leftwich) Motion carried.

Ayes: Buswell-Charkow, Cayetano, Calavita, Leftwich and Wilson

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

9. DISCUSSION AND ACTION ITEMS

- a. Election for the positions of Chair and Vice-Chair for the 2026 Calendar Year as outlined in Section 1(a) to Section 1(c) of the Standing Rules of the Police Accountability Board (ODPA)

Motion to re-elect Chair Cayetano and Vice Chair Wilson by acclamation.⁵

Moved/Second (Cayetano/Leftwich) Motion carried.

Ayes: Buswell-Charkow, Cayetano, Calavita, Leftwich and Wilson

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

- b. Continued discussion and action on the proposed resolution to amend Berkeley City Council's 2020 direction to reinstate BPD's Use of Tear Gas in limited situations and lift the COVID-19 moratorium on the use of smoke and oleoresin capsicum (OC) spray (ODPA)

Motion to approve the letter with amendments incorporating the suggested changes and to delegate authority to the Chair and Vice Chair to implement those changes.

Moved/Second (Cayetano/Leftwich) Motion carried.

Ayes: Cayetano, Calavita, Leftwich and Wilson

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

- c. Presentation of the ODPAs 2026 Workplan and Preliminary Calendar of Events (ODPA)

No action was taken. Director Aguilar provided an update on work plan development, and a detailed presentation will be scheduled for a future PAB meeting.

- d. Discussion and action on the FY 2027 and 2028 Budget Process (ODPA)

Tabled for a future PAB meeting.

- e. Discussion and action on the adoption of the updated draft of the PAB Policy Manual, reflecting PAB feedback from and after the December 3, 2025 PAB meeting, and on granting authority to the Vice-Chair to collaborate with ODPAs staff to finalize the document, including making any necessary edits for accuracy and clarity. (Wilson)

⁵ Pursuant to Section 1(2)(d)(i) of the PAB's standing rules, "if there is only one nominee for a position, the presiding Chair may seek or move a vote by acclamation": https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf

Motion to delegate authority to the Chair, Vice Chair, and Director to incorporate revisions, finalize the PAB Policy Manual, and submit it for legal review.

Moved/Second (Wilson/Calavita) Motion carried.

Ayes: Cayetano, Calavita, Leftwich, Buswell-Charkow and Wilson

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

- f. Continued 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)
 - i. Update on the Review Timeline
 - ii. Appointment of the Reviewing Subcommittee or PAB Member

Motion to forward the matter to the Policy Review Subcommittee.

Moved/Second (Cayetano/Calavita) Motion carried.

Ayes: Cayetano, Calavita, Leftwich, Buswell-Charkow and Wilson

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

- g. Discussion and action on the updated proposal for the rescission and replacement of the Police Equipment and Community Safety Ordinance being considered by City Council on January 27, 2026 (Cayetano)

This item was addressed as Item 9.C during the meeting as part of the motion to approve the agenda.

Motion to authorize the Chair to incorporate the edits discussed by the Board into the existing draft and send the letter to Council.

Moved/Second (Cayetano/Leftwich) Motion carried.

Ayes: Cayetano, Calavita, Leftwich and Wilson

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

- h. Recap of the PAB's 2026 Strategic Planning Session (ODPA)

No Action Taken. Director Aguilar provided a brief recap of the Board's 2026 Strategic Planning Session.

10. PUBLIC COMMENT

0 Physically Present Speakers

0 Virtually Present Speakers

11. CLOSED SESSION

CLOSED SESSION ITEMS

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

- a. 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

The PAB received updates on the status of their permanent regulations for investigating complaints.

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

The PAB took the following actions on the cases listed below:

ODPA Case No. 2025-CI-0020

Motion regarding Allegation 1A. Moved/Second (Cayetano/Leftwich) Motion carried.
Ayes: Calavita, Leftwich, Wilson and Buswell-Charkow.
Noes: None. Abstain: Cayetano. Absent: Wells.

Motion regarding Allegations 1B and 1C. Moved/Second (Leftwich/Calavita) Motion failed.
Ayes: Calavita, Leftwich, and Wilson.
Noes: Buswell-Charkow. Abstain: Cayetano. Absent: Wells.

Motion regarding Allegation 2. Moved/Second (Cayetano/Leftwich) Motion failed.
Ayes: None.
Noes: None. Abstain: Cayetano, Calavita, Leftwich, Wilson and Buswell-Charkow.
Absent: Wells.

Motion regarding Allegation 3. Moved/Second (Cayetano/Leftwich) Motion carried.
Ayes: Cayetano, Calavita, Leftwich, Wilson.
Noes: None. Abstain: Buswell-Charkow. Absent: Wells.

ODPA Case No. 2025-CI-0025

Motion to accept the ODPa's recommendations in ODPa Complaint 2025-CI-0025.
Moved/Second (Cayetano/Leftwich) Motion carried.
Ayes: Cayetano, Calavita, Leftwich, Wilson and Buswell-Charkow.
Noes: None. Abstain: None. Absent: Wells.

ODPA Case No. 2025-CI-0043

No action taken.

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/Cayetano). The meeting was adjourned at 10:00 PM by unanimous consent.

DRAFT

Item 8
Subcommittee List

Updated on 2/6/2026



SUBCOMMITTEES LIST

Important Note: As of February 6, 2025, the PAB has 4 of its 9 seats filled, resulting in a quorum of 3 members. Subcommittees must be composed of fewer than a quorum and may not consist of a single member. Accordingly, vacancies must be filled or the subcommittee must be disbanded. If disbanded, its work can be reassigned to individual board members or formally paused or discontinued. For additional information on subcommittee requirements, please visit Chapter II Section 5 of the City of Berkeley’s Commissioner’s Manual:

<https://berkeleyca.gov/sites/default/files/documents/Commissioners%27%20%26%20Board%20Members%27%20Manual%202025%20Edition.pdf#Page=30>

Subcommittee	Board Members	Chair	BPD Reps
Regulations Formed 7-7-21 Renewed 6-7-2023	[Vacant] [Vacant] <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	Cayetano [Vacant] <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

Updated on 2/6/2026

<p>Outreach & Engagement Formed 11-08-2023 Scope Expanded 03-02-2024 Formally “Commendations”</p>	<p>Cayetano Wells Buswell-Charkow</p> <p>[Exceeds the maximum number of members]</p>	N/A	N/A
<p>Arrest Quota Prohibition Formed 5-21-2025</p>	<p>Wells [Vacant]</p>	TBD	TBD
<p>Policies and Practices on Encampment Clearances Former 6-25-2025</p>	<p>Cayetano Wells Wilson</p> <p>[Exceeds the maximum number of members]</p>	TBD	TBD

LIAISON LIST¹

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

POLICY COMPLAINTS ASSIGNED TO INDIVIDUAL BOARD MEMBERS²

Policy Review #	Assigned Board Member	Description
2025-PR-0001	[Unassigned]³	BPD Policy 1004 “Anti-Retaliation” & BPD Policy 1010 “Personnel Complaints”
2025-PR-0004	[Unassigned]⁴	BPD Policy 426 “Public Recording of Police Activity”

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.

³ Formerly assigned to Board Member Calavita

⁴ Formerly assigned to Board Member Calavita

Item 9.b.

Redlined Drafts of BPD Policies 611 “Unmanned Aerial System (UAS) Operations” and BPD Policies 709 “Military Equipment”

Policy
611

Berkeley Police Department
Law Enforcement Services Manual

NEW/EDITED TEXT IN RED

Unmanned Aerial System (UAS) Operations

611 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS. Department personnel shall adhere to requirements for Unmanned Aerial Systems covered in this policy as well as the corresponding Surveillance Use Policy 1303.

611.1 DEFINITIONS

Drone as First Responder (DFR) - A mode of operation where a UAS is deployed immediately in response to a call for service or other emergency. This mode of operation provides real-time aerial situational awareness to dispatchers, analysts and responding officers, assisting in the assessment of incidents, the coordination of resources, and the potential de-escalation or clearance of calls without the need for immediate physical police presence.

Federal Aviation Administration (FAA) – An entity of the federal government that regulates all aspects of civil aviation.

Pilot in Command (PIC) – Trained officer who is the sole person responsible for the operation of the UAS.

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

Visual Observer – Trained officer who may act as a spotter for PIC to assist in navigating the UAS and avoidance of hazards.

611.2 POLICY

Unmanned aerial systems may be utilized for the purpose of enhancing the department's mission to safeguard our diverse community by enabling remote visual assessment and real-time situational awareness in the situations specified in this policy.

Any use of a UAS will also be in strict accordance with BMC 13.114 Sanctuary City Ordinance, constitutional and privacy rights, and FAA regulations.

All uses of the UAS shall be reported in compliance with the Berkeley Municipal Code (BMC) 2.99 Surveillance Technology Ordinance, and BMC 2.100 Police Equipment Ordinance.

Additionally, the Department shall publish data regarding specific requests, flight paths, and deployments on the Department's transparency portal. Flight logs and incident types for DFR operations should be published as soon as practicable, typically within one hour of docking.

611.3 **PRIVACY**

The Department acknowledges that UAS operations involve inherent privacy considerations, specifically the risk of inadvertently capturing footage of private areas (e.g., backyards or through windows) or uninvolved community members. To address this, the Department prioritizes civil liberties by restricting recording to authorized missions and strictly adhering to the restrictions on random surveillance outlined in Section 611.6 (Prohibited Use).

To safeguard these rights, UAS operations shall adhere to the following restrictions:

- 1) Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure).
- 2) Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of uninvolved community members or areas where there is a reasonable expectation of privacy. Cameras shall be diverted away from private spaces when not actively engaged in a permitted use.
- 3) For DFR operations, cameras shall be programmed to orient toward the horizon (preventing ground recording) while in transit to a call for service and shall only be directed toward the scene upon arrival at the authorized location.

611.4 **PROGRAM COORDINATOR**

The Police Chief will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices.

611.5 **PERMITTED USE**

Authorized operators may deploy the UAS in the following circumstances:

- 1) To provide real-time situational awareness during high-risk or critical incidents, such as barricaded suspects, hostage situations, active shooters, the apprehension of armed and dangerous suspects, the pre-planning and service of a warrant allowing officers to create time and distance to formulate de-escalation strategies, facilitate safe tactical planning, and reduce the need for immediate physical engagement.
- 2) To assist in locating lost, missing, or injured persons during search and rescue operations.
- 3) To rapidly respond to calls for service to verify the nature of the incident, potentially determining that a law enforcement response is unnecessary for unfounded reports or low-priority incidents, thereby acting as a resource multiplier and keeping patrol officers available for other calls.
- 4) To locate fleeing suspects to effectively contain perimeters and reduce the need for dangerous ground-based foot pursuits.
- 5) To track fleeing vehicles from a safe distance, allowing patrol units to de-escalate or terminate dangerous ground pursuits while maintaining visual contact.
- 6) To clear interior buildings or confined spaces remotely to prevent potentially violent encounters between officers and hidden suspects.
- 7) To assist the Fire Department with fire mitigation and suppression, hazardous materials releases, or disaster response and recovery.
- 8) To remotely inspect potential explosive devices or hazardous objects.
- 9) To document complex crime scenes, accident scenes, or areas where an aerial perspective is critical for the investigation.
- 10) To respond to active criminal activity at mass gatherings or special events.
- 11) To mitigate hazards caused by other UAS interfering with emergency operations.
- 12) For pilot certification training and maintenance of proficiency.
- 13) To address other unforeseen exigent circumstances where there is an imminent threat to public safety, provided the deployment is consistent with the general privacy and safety principles of this policy.

611.6 PROHIBITED USE

- 1) The UAS shall not be used:
 - a) To conduct random or arbitrary surveillance activities. This prohibition includes, but is not limited to, first amendment assemblies in accordance with Policy 428 First Amendment Assemblies.

b) To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

c) To harass, intimidate, or discriminate against any individual or group.

2) Furthermore, the UAS shall not be equipped with:

a) Facial recognition software

b) Biometric analysis capabilities

c) Weapons of any kind, including lethal or non-lethal munitions.

611.7 TRAINING

The Program Coordinator will coordinate training of PICs and Visual Observers. The training course and materials will be approved through the training staff. An approved department instructor will oversee all training. Each training session will be documented and forwarded to the Policy and Training Bureau Sergeant.

611.8 RETENTION REQUIREMENTS

UAS footage should be purged by BPD within 60 days if it doesn't contain any data of evidentiary value. If the data has evidentiary value, it should be uploaded into BPD's evidence database and kept pursuant to the established retention guidelines set forth in policy 804-Records Maintenance and Release.

611.9 RELEASE OF RECORDINGS

- 1) Unauthorized use, duplication, and/or distribution of UAS camera footage is prohibited. Personnel shall not make copies of any UAS camera footage for their personal use and are prohibited from using a recording device such as a personal camera or any secondary video camera to capture UAS camera footage.
- 2) All UAS camera footage is property of the Berkeley Police Department and shall not be copied, released or disseminated in any form or manner outside the parameters of established policy, procedure, or laws.
- 3) The Custodian of Records, or their designee, will be responsible for handling requests for UAS camera footage.

Policy 709: Military Equipment---DRAFT---

709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

709.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The Berkeley City Council.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- Taser Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

709.2 POLICY

DRAFT POLICY-----1

DRAFT POLICY 709

It is the policy of the Berkeley Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment. Consistent with Section 7071(a)(1)(E), uses of military equipment for purposes, in a manner, or by a person not authorized in this policy are prohibited. For the purposes of this provision, "uses" does not include activities such as those associated with maintenance, transportation, or training.

709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Berkeley Police Department (Government Code § 7071).
- (e) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).

709.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

- M4 rifle/Patrol Rifle
- Penn Arms 40MM Single Launcher
- Milkor LTL Multi-Launcher
- FN 303 Launcher & FN Pava Impact Projectile
- Oleoresin Capsicum Spray
- Chlorobenzylidene Malononitrile and Oleoresin capsicum
- Remington 700 Rifle
- ReconRobotics Recon Scout XT Robots
- Andros Remotec HD-1 Hazardous Duty Robot
- Light/Sound Diversionary Device
- Long Range Acoustic Device
- Mobile Command Vehicle
- Barret Model 99
- AVATA 2 UAS
- DJI MATRICE 4T UAS
- DJI MATRICE 4TD
- FLOCK ALPHA

DRAFT POLICY 709

709.4.1 M4 RIFLE / PATROL RIFLE

DESCRIPTION:

Type: Colt M-4 patterned rifle, which fires the .223 Remington cartridge

Quantity: The Berkeley Department currently owns and maintains 96 rifles

Capabilities: The M4 pattern rifle is used only in situations when a potential life-threatening situation exists. While a pistol is the common firearm used by police in these dangerous situations, the M4 patterned rifle has numerous advantages over it. The ability to shoulder the rifle, coupled with the rifle's lengthened barrel and ammunition, result in higher accuracy and lessens the chance of officers missing the intended target. Additionally, due to the design of the rifle's bullet, the round is less likely to over penetrate commercial and residential walls should the officer miss the intended target. The rifle is also easier to use compared to a pistol because of the bullet's low recoil. Finally, as the rifle can be adjusted and customized, it can be configured to accommodate officers of any stature (hand size, strength, etc.).

Lifespan: Due to the rifle's ability to be maintained by department armorers, these rifles have a relatively long-life span if properly maintained. However, the design has changed little in the last 60 years and we can expect new variations and designs to become the new industry standard in the coming years.

Manufacturer's Description: This specially designed law enforcement weapon system features many of the combat proven advantages of the military Colt M4. With the 4-position buttstock fully retracted, the Colt Law Enforcement Carbine is less than 32 inch length and weighs only 6.9 lb - ideal for tactical deployment and traditional patrol.

PURPOSE AND AUTHORIZED USE:

Purpose: The M4 patterned rifle and associated ammunition is intended as a means to safely stop a lethal threat. While a pistol is the firearm that all officers are minimally equipped with, the rifle is an ancillary firearm for situations where increased distance and accuracy are needed to safely resolve the situation.

Authorized Uses: Used in the defense of life or great bodily injury to potential victims of violent crimes, general public, and officers. An officer considering the use of this firearm in a non-preplanned incident should consider the factors set forth in the Risk Assessment section of Policy 607, Operations, Planning, and Deconfliction.

FISCAL IMPACT:

Initial Cost: Exact costs unknown. Rifle prices, like other firearms, will range depending on current market demand and availability. While M4 rifles purchased several years ago cost between \$1,000 and \$1,200 a piece, current rifles cost between \$1,400 and \$1,600. It should be expected that these prices will fluctuate and likely increase over time.

Annual cost: Cost of use for all firearms should be based on the ammunition used in training and on duty. This will fluctuate based on whether the rifle is issued to a patrol

DRAFT POLICY-----3

DRAFT POLICY 709

officer, a firearms instructor, or a Special Response Team member as each assignment has different training requirements.

Training costs: Every officer that is authorized to carry a rifle on duty must attend a 16-hour CA POST approved rifle instruction course before being authorized to carry the rifle on duty. This course may be administered by Berkeley Police Firearm Instructors or by other POST approved agencies. Tuition for the CA POST approved class is dependent on the hosting agency. If conducted in house the cost only includes the officer's hourly wage, range fee, and ammunition costs (all vary). Outside agencies charge between \$25 to \$500 depending on the range location and duration (some classes are 32-hours while POST only requires 16-hours.) Additionally, all officers issued a rifle receive specific 8-hour rifle training every two years by POST certified BPD firearm instructors.

Maintenance costs: Vary depending on use over time. Traditionally, various springs and pins need to be replaced every five years and may cost between \$3 and \$30 per rifle. Other parts such as the barrel and bolt need replaced around ten years and range between \$150 and \$300 per rifle.

LEGAL AND PROCEDURAL RULES:

Authorized use must comply with state, federal laws, and Policy 300 Use of Force, and Policy 349 Tactical Rifle Operator Program. The use of this equipment shall comply with the authorizations and prohibitions set forth in Policy 300 – Use of Force. It is the policy of the BPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force including the provisions of Penal Code Section 13652.

TRAINING:

Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification.

709.4.2 **.223 RIFLE AMMUNITION (FOR THE COLT M4 RIFLE)**DESCRIPTION:

Type: .223 Remington ammunition: 55 grain FMJ (full metal jacket) for training purposes and 62 grain soft point for duty purposes (Use in the Colt M4 Rifle)

Quantity: Quantity of rifle ammunition fluctuates significantly depending on training attended, including the standard basic police academy, officer assignments, and yearly mandate training cycles. For example, most police academy recruits are required to bring approximately 1,000 rounds to the basic POST approved academy. Most academies have a 16-24-hour rifle training course. The training is required for all officers who are issued a rifle and mandates between 800 and 1,200 rounds. As such, the inventory at the Berkeley Police Department fluctuates significantly depending on how

DRAFT POLICY 709

many officers are attending state mandated training and can range from 10,000 round (our current inventory) to less than 1,000 rounds (our anticipated inventory at the end of December after scheduled department training in November.)

Capabilities: The .223 Remington cartridge, depending on the weight of the bullet, 55 grain or 62 grain, travel at approximately 3,000 feet per second and 2,700 feet per second respectively. The round is highly regarded as having a high degree of consistency and accuracy, which is why it is the most common rifle round used in Law Enforcement around the world.

Lifespan: Like all ammunition, if kept cool and dry, ammunition lifespan can exceed ten years. Due to BPD's and State mandates on training, the majority of ammunition is cycled through within a year of purchase.

Product Description:

.223 Remington ammunition: 55 grain FMJ (full metal jacket)

The full metal jacket ammunition features a 55 grain weight and includes 200 rounds. The caliber is .223 Rem, and the ammunition is made in the USA.

.223 Remington ammunition 62 grain soft point

Federal TRU 223 ammo is custom made ammunition for the Urban Law Enforcement Officer in mind. It features a lead core Hi Shock Soft Point bullet which offers great stopping power and excellent penetration, a non corrosive primer and brand new never fired brass casing and nickel plated brass primer. This LE Tactical ammo can be reloaded up to 5 times for those shooters that reload their 223 ammo. Federal LE 223 Remington has a muzzle velocity of 3050 feet per second and a muzzle energy of 1281 ft lbs. This 223 Federal ammo is new production packaged in 20 round boxes and 200 rounds per case. Federal TRU ammunition is engineered using Mil-Quality specifications. Each Federal TRU cartridge is made using select mil-quality low flash powders that do not disrupt an officer's night vision. The TRU case and web are built using thicker brass, adding the extra strength needed for the high powered rifle. TRU primers are crimped for added holding ability. This virtually eliminates backed out primers that can lock-up your weapon. With TRU ammunition, potentially disastrous situations are greatly reduced. TRU bullets are specifically engineered ranging from fragmenting designs for tactical entry to deeper penetrating bullets for patrol.

PURPOSE AND AUTHORIZED USE:

Purpose: This rifle ammunition is capable of incapacitating an individual from a distance and providing greater accuracy at a distance. This ammunition is used in the M4 rifle.

Authorized Uses: Used in the defense of life or great bodily injury to potential victims of violent crimes, general public, and officers.

FISCAL IMPACT:

Initial Cost: Ammunition costs fluctuate with the costs of components (brass, primers,

DRAFT POLICY-----5

DRAFT POLICY 709

gunpowder, and bullets) and supply/demand. Current costs for .223 Remington range from \$0.50 to \$0.75 a round for training ammunition (55 grain) and \$1.25 to \$1.50 a round for duty ammunition (62 grain).

Annual cost: The annual cost of the equipment is minimal, and is dependent on the amount of training.

Training costs: The cost associated with training is the staff time, range fees, and cost of spent ammunition.

Maintenance costs: Maintenance costs vary depending on use over time and will vary. There are no costs associated with maintenance or storage of ammunition. All ammunition is stored in a climate-controlled room in the Berkeley Police Department.

LEGAL AND PROCEDURAL RULES:

Authorized use must comply with state, federal laws, and Policy 300 Use of Force, and Policy 349 Tactical Rifle Operator Program. The use of this equipment shall comply with the authorizations and prohibitions set forth in Policy 300 – Use of Force. It is the policy of the BPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force including the provisions of Penal Code Section 13652.

TRAINING:

Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification.

709.4.3 LESS LETHAL LAUNCHER: PENN ARMS 40 MM SINGLE LAUNCHERDESCRIPTION:

Type: Penn Arms 40 mm Single Launcher

Quantity: The Berkeley Department currently owns and maintains 20.

Capabilities: The Penn Arms single launcher is capable of firing a single projectile out to a maximum manufacturer recommended range of 45 meters. The Penn Arms 40mm projectiles are direct fire with a pliable "sponge" tip designed to mold to the body. The projectiles are about the size of a large egg. Upon impact, the projectile transfers kinetic energy to the body to gain pain compliance. Large muscle groups such as the upper legs or lower abdomen are approved target areas unless a higher level of force is justified. This level of force is considered to be similar to that of a baton strike.

Lifespan: The manufacturer expected lifespan is about 10 years depending on use and regular maintenance.

Manufacturer's Description: A 40mm compact single-shot break-open frame launcher with a rifled barrel and folding stock. Features include: Double-action trigger, trigger lock push button and hammer lock safeties.

PURPOSE AND AUTHORIZED USE:

Purpose: The purpose of kinetic energy impact projectiles, commonly referred to as "less lethal" is to preserve life, minimize the use of force and allow time for de-escalation. Less lethal projectiles allow the user to maintain a safe distance from a subject who is armed and/or demonstrates the intent to be violent. The ability to maintain a safe distance – while still providing a level of control over the subject – allows officers to employ de-escalation techniques, request additional resources and develop a plan to safely resolve the situation with the least amount of risk.

Violent or armed confrontations are inherently dangerous to all those involved. Officers are required to make split second judgments in circumstances that are tense, uncertain and rapidly evolving. An Officer's threat perception of a person who is in close proximity as opposed to a person who is at a distance of 20 yards is naturally different. A person in close proximity intent on violence has the ability to immediately utilize personal body weapons, a bludgeoning device or cutting instrument. The immediacy requires the Officer to react instantly and there is a greater potential that a higher level of force will be needed.

On the other hand, a person at a distance of 20 yards may not be perceived as having the immediate ability to violently attack the Officer. The person must first close the distance before certain weapons can be utilized. This fact may allow the Officer time to decide the most appropriate course of action, such as the use of a "less lethal" projectile.

The projectiles are designed to provide a high level of accuracy which minimizes the risk of unwanted impacts. The ability to apply force from a distance reduces the potential for violent confrontation and aides in reducing the level of force needed to safely resolve a conflict.

Authorized Uses: Use must comply with local, state, federal laws, and Policy 300 Use of Force, Policy 303 Control Devices, and Policy 428 First Amendment Assembly.

FISCAL IMPACT:

Initial Cost: Less lethal prices, like other equipment, varies depending on market demand and availability. The most recent Penn Arms purchased by the department cost \$815.00 each.

Annual cost: Cost for Penn Arms single launcher use should be based on the projectiles used in training and on duty. This will fluctuate based on department trainings, projectile availability and events that unfold in the city and surrounding region.

Training costs: Every officer authorized to deploy a less lethal launcher must pass a certification course administered by a Berkeley Police Department Firearms Instructor.

DRAFT POLICY 709

The certification class consists of classroom, range qualification and scenario application if the venue allows. This class is largely handled in house thus the cost only includes staff time, range fees, and projectile costs which all vary.

Maintenance costs: Maintenance costs vary depending on use. Generally, various springs and pins need to be replaced every 5 years which can cost \$3 to \$30.

LEGAL AND PROCEDURAL RULES:

Authorized use must comply with state, federal laws, and Policy 300 Use of Force, Policy 303 Control Devices, and Policy 428 First Amendment Assembly.

TRAINING:

Every officer authorized to deploy a less lethal launcher must pass a certification course administered by a Berkeley Police Department Firearms Instructor. The certification class consists of classroom, range qualification and scenario application if the venue allows.

709.4.4 **LESS LETHAL LAUNCHER: MILKOR LTL MULTI-LAUNCHER**

DESCRIPTION:

Type : Milkor LTL Multi-launcher

Quantity: The Berkeley Police Department currently owns and maintains 2.

Capabilities: The Milkor LTL is capable of firing six 40mm projectiles before reloading is necessary. The Milkor LTL 40mm projectiles are direct fire with a pliable "sponge" tip designed to mold to the body. The projectiles are about the size of a large egg. Upon impact, the projectile transfers kinetic energy to the body to gain pain compliance. Large muscle groups such as the upper legs or lower abdomen are approved target areas unless a higher level of force is justified. This level of force is considered to be similar to that of a baton strike.

Lifespan: The manufacturer expected lifespan is about 10 to 15 years depending on use and regular maintenance.

Manufacturer's Description: Developed with our partner company, Abrams Airborne Manufacturing, The 40mm Multi-Shot Less-Lethal Tactical Launcher (LTL) was manufactured with the needs of the modern tactical team at the forefront. The launcher is capable of firing a wide variety of 40mm LTL ammo.

PURPOSE and AUTHORIZED USE:

Purpose: The purpose of kinetic energy impact projectiles, commonly referred to as "less lethal" is to preserve life, minimize the use of force and allow time for de-escalation attempts. Less lethal projectiles allow the user to maintain a safe distance from a subject who is armed and/or demonstrates the intent to be violent. The ability to maintain a safe distance – while still providing a level of control over the subject – allows officers to employ de-escalation techniques, request additional resources and develop a plan to

DRAFT POLICY-----8

DRAFT POLICY 709

safely resolve the situation with the least amount of risk.

Violent confrontations are inherently dangerous to all those involved. Officers are required to make split second judgments in circumstances that are tense, uncertain and rapidly evolving. An Officer's threat perception of a person who is in close proximity as opposed to a person who is at a distance of 20 yards is naturally different. A person in close proximity intent on violence has the ability to immediately utilize personal body weapons, a bludgeoning device or cutting instrument. The immediacy requires the Officer to react instantly and there is a greater potential that a higher level of force will be needed.

On the other hand, a person at a distance of 20 yards may not be perceived as having the immediate ability to violently attack the Officer. The person must first close the distance before such weapons can be utilized. This may allow the Officer time to decide the most appropriate course of action, such as the use of a "less lethal" projectile.

The "less lethal" projectiles utilized by the Berkeley Police Department are generally considered discriminate versus indiscriminate uses of force. The projectiles are designed to provide a high level of accuracy which minimizes the risk of unwanted impacts. The ability to apply force from a distance reduces the potential for violent confrontation and aides in reducing the level of force needed to safely resolve a conflict.

Authorized Uses: Use must comply with local, state, federal laws, and Policy 300 Use of Force, Policy 303 Control Devices, and Policy 428 First Amendment Assembly.

FISCAL IMPACT:

Initial Cost: Less lethal prices, like other equipment, varies depending on market demand and availability. The most recent Penn Arms purchased by the department cost \$3950.00 each.

Annual cost: Cost for Penn Arms single launcher use should be based on the projectiles used in training and on duty. This will fluctuate based on department trainings, projectile availability and events that unfold in the city and surrounding region.

Training costs: Every officer authorized to deploy a less lethal launcher must pass a certification course administered by a Berkeley Police Department Firearms Instructor. The certification class consists of classroom, range qualification and scenario application if the venue allows. This class is largely handled in house thus the cost only includes staff time, range fees, and projectile costs which all vary.

Maintenance costs: Maintenance costs vary depending on use.

LEGAL AND PROCEDURAL RULES:

Authorized use must comply with state, federal laws, and Policy 300 Use of Force, Policy 303 Control Devices, and Policy 428 First Amendment Assembly.

TRAINING:

Every officer authorized to deploy a less lethal launcher must pass a certification course administered by a Berkeley Police Department Firearms Instructor. The certification class

consists of classroom, range qualification and scenario application if the venue allows.

709.4.5 **LESS LETHAL LAUNCHER: FN 303 AND FN PAVA IMPACT PROJECTILE** DESCRIPTION:

Type: FN 303 and FN Pava Impact Projectile

Quantity: The Berkeley Department currently owns and maintains 8 FN 303 less lethal launchers.

Capabilities: The FN 303 is capable of firing 15 projectiles out to a maximum manufacturer recommended range of 50 meters. The FN 303 projectiles are direct fire and designed to fragment upon impact to prevent penetration injury. Upon impact, the projectile transfers kinetic energy to the body to gain pain compliance. Large muscle groups such as the upper legs or lower abdomen are approved target areas. This level of force is considered to be similar to that of a baton strike.

Lifespan: The manufacturer expected lifespan is about 10 years depending on use and regular maintenance.

Manufacturer's Description: The FN 303® Less Lethal Launcher is constructed from durable lightweight polymer with comfortable ergonomics and an easy to operate safety. The FN 303® Launcher is equipped with both flip-up iron sights and an integrated MIL-STD-1913 top mounting rail for optical or electronic sights or other accessories. The lightweight polymer magazine holds 15 projectiles and offers a clear rear cover to allow the operator to instantly verify both the payload type and the number of projectiles remaining.

PURPOSE AND AUTHORIZED USE:

Purpose: The purpose of kinetic energy impact projectiles, commonly referred to as "less lethal" is to preserve life, minimize the use of force and allow time for de-escalation attempts. Less lethal projectiles allow the user to maintain a safe distance from a subject who is armed and/or demonstrates the intent to be violent. The ability to maintain a safe distance – while still providing a level of control over the subject – allows officers to employ de-escalation techniques, request additional resources and develop a plan to safely resolve the situation with the least amount of risk.

Violent confrontations are inherently dangerous to all those involved. Officers are required to make split second judgments in circumstances that are tense, uncertain and rapidly evolving.

An Officer's threat perception of a person who is in close proximity as opposed to a person who is at a distance of 20 yards is naturally different. A person in close proximity intent on violence has the ability to immediately utilize personal body weapons, a bludgeoning device or cutting instrument. The immediacy requires the Officer to react

DRAFT POLICY 709

instantly and there is a greater potential that a higher level of force will be needed.

On the other hand, a person at a distance of 20 yards may not be perceived as having the immediate ability to violently attack the Officer. The person must first close the distance before such weapons can be utilized. This may allow the Officer time to decide the most appropriate course of action, such as the use of a "less lethal" projectile.

The "less lethal" projectiles utilized by the Berkeley Police Department are generally considered discriminate versus indiscriminate uses of force. Discriminate projectiles are designed to provide a high level of accuracy which minimizes the risk of unwanted impacts. The ability to apply force from a distance reduces the potential for violent confrontation and aides in reducing the level of force needed to safely resolve a conflict.

Authorized Uses: Use must comply with local, state, federal laws, and Policy 300 Use of Force, Policy 303 Control Devices, and Policy 428 First Amendment Assembly.

FISCAL IMPACT:

Initial Cost: Less lethal prices, like other equipment, varies depending on market demand and availability. The most recent FN 303s purchased by the department cost \$800.00 each.

Annual cost: Cost for FN 303 use should be based on the projectiles used in training and on duty. This will fluctuate based on department trainings, projectile availability and events that unfold in the city and surrounding region.

Training costs: Every officer authorized to deploy a less lethal launcher must pass a certification course administered by a Berkeley Police Firearm Instructor. The certification class consists of classroom, range qualification and scenario application if the venue allows. This class is largely handled in house thus the cost only includes the officer's hourly wage, range fees, and projectile costs which all vary.

Maintenance costs: Maintenance costs vary depending on use. Generally, O-rings need to be replaced every 3000 rounds and cost \$30 per kit.

LEGAL AND PROCEDURAL RULES:

Authorized use must comply with state, federal laws, and Policy 300 Use of Force, Policy 303 Control Devices, and Policy 428 First Amendment Assembly.

TRAINING:

Every officer authorized to deploy a less lethal launcher must pass a certification course administered by a Berkeley Police Department Firearms Instructor. The certification class consists of classroom, range qualification and scenario application if the venue allows.

709.4.6 OLEORESIN CAPSICUM (OC) SPRAYDESCRIPTION:

Type: Oleoresin capsicum (OC) spray

Quantity: The Berkeley Department currently owns and maintains Inventory for OC spray: Qty 23- First Defense MK-9 OC spray (13 ounces)

Capabilities: The larger First Defense MK-9 OC sprays are 13 ounces and are used in violent crowd situations. It has an effect range of 18-20 feet.

The use of the First Defense OC spray can render a dangerous and violent situation safe without using a higher level of force.

Lifespan: Aerosol products eventually lose pressure over time. The lifespan the MK-9 OC spray are dependent on how well the pressure in the can is maintained, but is recommended to be replaced after 5 years.

Manufacturer's Description: The MK9 features an easy to use trigger handle, is intended for use in crowd management and will deliver 14 short bursts of OC at an effective range of 18-20 ft. This 1.3/1% MC OC aerosol product utilizes a stream delivery method providing a target-specific, strong concentrated stream for greater standoff.

PURPOSE AND AUTHORIZED USE:

Purpose: There are a variety of situations where officers may use OC spray such as: self-defense, overcoming the resistance of a noncompliant individual, effecting an arrest, preventing escape, violent crowd or riot control, barricade or hostage situations and dealing with dangerous animals.

Authorized Uses: OC spray may be considered for use to bring under control an individual or groups of individuals who are engaging in or about to engage in violent behavior. OC spray should not, however, be used against individuals or group who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

FISCAL IMPACT:

Initial Cost: The MK-9 OC spray costs approx. \$60 per unit. The manufacturer is Defense Technology and the Berkeley Police Department purchase each unit from Galls Police Supply or LC Action Police Supply. Purchases for these tools are made when inventory gets low which is typically determined by how many new officers are sworn in, as well as if they are utilized in dangerous situations.

Annual cost: See below cost of training.

Training costs: Training is conducted in the police academy and in-house by a Police Officer Standard Training (POST) certified Berkeley Police chemical agent training officer. The cost of training is staff time.

Maintenance costs: All MK-9 OC sprays are stored in the basement. There are no additional storage costs or associated costs to transporting, maintain, or upgrade.

LEGAL AND PROCEDURAL RULES:

DRAFT POLICY 709

Use must comply with local, state, federal laws, and BPD Special Order 2020-0007 (Policy 1107).

TRAINING:

Training is conducted by selected members of the Berkeley Police Department who have completed a Peace Officer Standards and Training (POST) certified course in chemical agent training.

709.4.7 CHLOROBENZYLIDENE MALONONITRILE (CS)**DESCRIPTION:**

Type: Chlorobenzylidene malononitrile (CS)

Quantity: The Berkeley Department currently owns and maintains Inventory for CS canisters:

Qty 6 – 5230 CS Canisters

Qty 24 – 6230 CS Canisters

Qty 20 – 5230B CS Baffled Canister

(flameless) Qty 17 – 5231 CS Tri-Phaser

Canisters

Qty 21 – 4630 CS Muzzle Blast (used with 40 mm less lethal

launcher) Qty 4 – 4530 CS Impact Rounds (used with 40 mm less lethal launcher)

Qty 19 – 4330 CS Barricade Projectile Rounds (used with 40 mm less lethal launcher)

Capabilities: CS aerosols with microscopic particles which are potent sensory irritants becoming attached primarily to moist mucous membranes and moist skin. Common effects are: coughing, increased mucous secretion, difficulty breathing, skin reactions, and excessive salivation. The onset of symptoms typically occurs within 20 to 60 seconds, and if the exposed individual is placed in fresh air these effects generally cease in 10 to 30 minutes.

Lifespan: CS canisters expire in approximately 5 years.

Manufacturer's Description: Unable to locate from the manufacturer, provided by the subject matter experts. Chlorobenzylidene malononitrile (CS) is one of the most commonly used "tear gases" in the world. It can be liquid, gaseous, or solid substance intended to produce temporary discomfort through being vaporized or otherwise dispersed in the air. Law enforcement (LE) agencies have found this agent invaluable when faced with combative suspects, for crowd/riot control, and for alleviating barricaded subject situations. LE use it to help control individuals or groups without the need for a

DRAFT POLICY 709

higher level of force. There are four different deployment methods of chemical agents (Aerosol - most commonly used by police departments, Fogging, Pyrotechnics, and blast expulsion). All methods of deployment can be affected by certain environmental and physical conditions (wind, rain, temperature, distance, and proximity to others). At standard daily temperatures and pressures, CS forms a white crystal with a low vapor pressure and poor solubility in water.

PURPOSE AND AUTHORIZED USE:

Purpose: There are a variety of situations where peace officers may use chemical agents such as: self-defense, overcoming the resistance of a noncompliant individual, effecting an arrest, preventing escape, violent crowd or riot control, barricade or hostage situations and dealing with dangerous animals.

Authorized Uses: Use must comply with local, state, federal laws, and BPD Special Order 2020-0007 (Policy 1107).

FISCAL IMPACT:

Initial Cost: The cost for CS canisters ranges from \$20.00 to \$39.00 per unit.

Annual cost: See below cost of training.

Training costs: When purchased, each unit is given an expiration date which typically falls within a 2-3-year range. Every 2-3 years, new chemical agents are purchased to honor the expiration dates. The expired agents are then used during annual trainings thus minimizing the overall cost. Training is conducted by a Police Officer Standard Training (POST) certified Berkeley Police chemical agent training officer. The cost of training is staff time.

Maintenance costs: The majority of agents are stored inside of a marked chemical agent room within the Police Department, in the Special Response Team vehicle, or in the rescue Vehicle. There are no additional storage costs. There are no associated costs to transporting, maintenance, or upgrades.

LEGAL AND PROCEDURAL RULES:

Authorized use must comply with state, federal laws, and Policy 300 Use of Force, Policy 303 Control Devices, and Policy 428 First Amendment Assembly.

TRAINING:

Training is conducted by selected members of the Berkeley Police Department who have completed a Peace Officer Standards and Training (POST) certified course in chemical agent training.

709.4.8 **OLEORESIN CAPSICUM (OC) CANISTERS**

DESCRIPTION:

DRAFT POLICY 709

Type: Oleoresin capsicum (OC)

Quantity: The Berkeley Department currently owns and maintains Inventory for OC canisters:

Inventory for OC canisters:

Qty 54 - 9440 OC Tear

Ball Qty 19 - 5440 OC

Flameless

Qty 20 - 6340 OC Vaper

Capabilities: A person subjected to OC can expect heavy tearing due to a burning sensation, involuntary closing or blinking of the eyes, stinging skin sensation, redness of the skin, irritation of the nose, runny nose, salivation, cough, gagging sensation, and shortness of breath. A person may also experience anxiety and panic. A complete recovery usually takes place within 45-60 minutes depending on the level of exposure.

Both CS and OC canisters can render a dangerous and violent situation safe without using a higher level of force.

Lifespan: CS and OC canisters expire in approximately 5 years.

Manufacturer's Description: Unable to locate from the manufacturer, provided by BPD subject matter experts. Oleoresin capsicum (OC) will be referred to in the aerosol canister form. OC is the chemical agent that is most widely used amongst Law Enforcement (LE) and the general public. OC has a pungent and irritating pepper odor. It is classified as an inflammatory agent. OC is mixed with several types of solutions which act as carriers.

PURPOSE AND AUTHORIZED USE:

Purpose: There are a variety of situations where peace officers may use chemical agents such as: self-defense, overcoming the resistance of a noncompliant individual, effecting an arrest, preventing escape, violent crowd or riot control, barricade or hostage situations and dealing with dangerous animals.

Authorized Uses: Use must comply with local, state, federal laws, and BPD Special Order 2020-0007 (Policy 1107).

FISCAL IMPACT:

Initial Cost: The cost for OC canisters ranges from \$36.00 to \$44.00 per unit.

Annual cost: See below cost of training.

Training costs: When purchased, each unit is given an expiration date which typically falls within a 2-3-year range. Every 2-3 years, new chemical agents are purchased to honor the expiration dates. The expired agents are then used during annual trainings thus minimizing the overall cost. Training is conducted by a Police Officer Standard Training (POST) certified Berkeley Police chemical agent training officer. The cost of

DRAFT POLICY 709

training is staff time.

Maintenance costs: The majority of agents are stored inside of a marked chemical agent room within the Police Department, in the Special Response Team vehicle, or in the rescue Vehicle. There are no additional storage costs. There are no associated costs to transporting, maintenance, or upgrades.

LEGAL AND PROCEDURAL RULES:

Authorized use must comply with state, federal laws, and Policy 300 Use of Force, Policy 303 Control Devices, and Policy 428 First Amendment Assembly.

TRAINING:

Training is conducted by selected members of the Berkeley Police Department who have completed a Peace Officer Standards and Training (POST) certified course in chemical agent training

709.4.9 **REMINGTON 700 RIFLE**

DESCRIPTION:

Type: Remington 700 rifle, which fires the .308 caliber ammunition.

Quantity: The Berkeley Department currently owns and maintains 6 rifles

Capabilities: The Remington 700 rifle, with the appropriate ammunition, training, and practice, is capable of consistent and highly accurate shooting out to a distance of approximately 500-yards.

The Remington 700 is intended to be used in emergency situations where there is a high potential for violence, where the need exists to put distance between officers and a specific individual, such as an armed hostage situation.

Lifespan: The Remington 700 bolt-action rifles have an expected life span of 10-years if properly maintained.

Manufacturer's Description: The Model 700 SPS Tactical is a highly maneuverable member of the family. It's built for tack-driving accuracy with a 20" heavy-contour tactical-style barrel and dual-point pillar bedding in its black synthetic stock. Hogue® overmoldings on the stock facilitate sure handling, and it has a semi-beavertail fore-end for added stability off a rest.

PURPOSE AND AUTHORIZED USE:

Purpose: This rifle is to be used in the defense of life or great bodily injury to potential victims of violent crimes, general public, and officers. This rifle provides police with the benefit of adding distance to a volatile situation which can increase the safety for community members and officers. This rifle is an ancillary firearm for situations where increased distance and accuracy is needed to safely resolve the situation.

Authorized Uses: Used in the defense of life or great bodily injury to potential victims of

DRAFT POLICY 709

violent crimes, general public, and officers. An officer considering the use of this firearm in a non-preplanned incident should consider the factors set forth in the Risk Assessment section of Policy 607, Operations, Planning, and Deconfliction.

FISCAL IMPACT:

Initial Cost: The initial cost to purchase this rifle with its associated components is approximately \$10,000 dollars each. Their average life span is 10-years at which time it will likely need to be replaced.

Annual cost: If this rifle is not cared for or maintained well, then a potential financial adverse impact would be the premature purchasing of a replacement rifle or replacement parts. However, authorized and trained Berkeley Police armorers service and provide regular maintenance of the rifles. The cost of maintenance is staff time.

Training costs: The cost associated with training is the staff time, range fees, and cost of spent ammunition. SRT members train once a month and, on average, each member shoots approximately 50-rounds. Currently, there are only 4 members shooting at each training day. This equates to approximately 2,400 rounds of ammunition being fired per year. This does not include special training days or attendance to training schools/classes. A single box of 20-rounds costs approximately \$20-dollars or \$1 dollar per round.

Maintenance costs: Maintenance costs vary depending on use over time. Firing pins need to be replaced every 5 to 7 years. The maintenance cost associated with this rifle is minimal.

There are no costs associated with maintenance or storage of ammunition. All ammunition is stored in a climate-controlled room in the Berkeley Police Department.

LEGAL AND PROCEDURAL RULES:

Authorized use must comply with state, federal laws, and Policy 300 Use of Force. The use of this equipment shall comply with the authorizations and prohibitions set forth in Policy 300 – Use of Force, Policy 354-Precision Rifle. It is the policy of the BPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force including the provisions of Penal Code Section 13652.

TRAINING:

Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification.

709.4.10HORNADY .308 CALIBER AMMUNITION (FOR THE REMINGTON 700 RIFLE)DESCRIPTION:

Type: Hornady.308-caliber ammunition

DRAFT POLICY 709

Quantity: The Berkeley Department currently possess approximately 1800 rounds of this ammunition.

Capabilities: This rifle ammunition is capable of incapacitating an individual or disabling an object in emergency situations where there is a high potential for violence, where the need exists to put distance between officers and a specific individual, such as an armed hostage situation. This ammunition is specifically designed for accuracy at distances of 500 yards.

Lifespan: Like all ammunition, if kept cool and dry, ammunition lifespan can exceed ten years. Due to BPD's and State mandates on training, the majority of ammunition is cycled through within a year of purchase.

Manufacturer's Description: Millions of successful hunts have proven the accuracy and deadly effect of the famous Hornady® InterLock,® SST,® InterBond® and CX™ bullets we load into Hornady® Custom™ rifle ammunition.

Every round of Hornady® Custom™ ammunition is hand inspected before packaging to ensure the highest levels of quality control. At Hornady,® we manufacture Custom™ ammunition to give shooters and hunters the advantage of handloaded accuracy in a factory load.

PURPOSE AND AUTHORIZED USE:

Purpose: This rifle ammunition is capable of incapacitating an individual from a distance of 500 yards and providing greater accuracy at a distance. This ammunition is used in the Remington 700 rifle.

Authorized Uses: Used in the defense of life or great bodily injury to potential victims of violent crimes, general public, and officers.

FISCAL IMPACT:

Initial Cost: The costs associated with its proposed uses is in the expenditure of its ammunition. The ammunition has a retail cost of approximately \$1 dollars per bullet; \$20 for a box of 20, plus shipping and handling. We currently possess 1800 rounds of BMG ammunition, \$1800.

Annual cost: The annual cost of the equipment is minimal, and is dependent on the amount of training.

Training costs: The cost associated with training is the staff time, range fees, and cost of spent ammunition.

Maintenance costs: Maintenance costs vary depending on use over time and will vary. There are no costs associated with maintenance or storage of ammunition. All ammunition is stored in a climate-controlled room in the Berkeley Police Department.

LEGAL AND PROCEDURAL RULES:

DRAFT POLICY 709

Authorized use must comply with state, federal laws, and Policy 300 Use of Force, and Policy 354 Precision Rifle. The use of this equipment shall comply with the authorizations and prohibitions set forth in Policy 300 – Use of Force. It is the policy of the BPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force including the provisions of Penal Code Section 13652.

TRAINING:

Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification.

709.4.11 UNMANNED AERIAL SYSTEMS**DESCRIPTION:**

The following are descriptions of drone models that are representative of a broader range of drones used for the same purposes.

Type:

Avata 2: This UAS would be used for tactical operations and searches within interior confined spaces such as a warehouse, commercial building or residence.

DJI Matrice 4T: This UAS would be used for patrol operations to rapidly respond to the scene of an incident and provide real-time video and situational awareness to officers responding to the scene. These systems would include the UAS, batteries, and software integration with our current CAD and Flock systems.

DJI Matrice 4TD / Flock Alpha: This UAS would be dedicated to DFR response to rapidly respond to the scene of an incident and provide real-time video and situational awareness to officers responding to the scene. It would also include the installation of two charging and telecommunications docks on the roof of the Public Safety Building. Within two years, this UAS would be replaced with Flock Alpha UAS and a battery swapping dock.

Quantity:

Our initial purchase recommendation for drones is:

DJI Avata 2: 4 units

DJI Matrice 4T: 4 units

DJI Matrice 4TD: 2 units

Flock Alpha: 1 unit to replace the 2 Matrice 4TDs within 2 years

Ongoing inventory counts will be updated in the Annual Police Equipment Report as required by BMC 2.100.

Capabilities: The Avata 2 is a compact system designed for operation in confined interior spaces. It allows officers to remotely search buildings during high-risk alarms or warrant services, minimizing the need for officers to physically enter potentially hazardous environments without prior visual assessment.

The Matrice 4T is a field-deployed unit carried by patrol officers for immediate operational support. It features high-resolution thermal and zoom sensors ideal for locating missing persons in complex terrain or tracking fleeing suspects to prevent dangerous ground pursuits.

The Matrice 4TD and Flock Alpha serve as the core of the Drone as First Responder (DFR) program. These systems are capable of autonomous dispatch to calls for service, often arriving before ground units. This capability allows for the rapid verification of incidents, potentially allowing officers to downgrade their response or clear unfounded calls without physical police presence. They provide real-time situational awareness to responding officers and facilitate safer approaches and de-escalation strategies.

Lifespan: The expected lifespan of the above UAS models is 3 years.

Manufacturers' Description: "DJI Avata 2 is a compact and portable FPV camera drone equipped with built-in propeller guards. The aircraft uses both GNSS and a Vision System, allowing for stable hovering and smooth aerobatic maneuvers while flying both indoors and out."

"The DJI Matrice 4 Thermal drone introduces a compact, intelligent drone for professional use. Equipped with a thermal camera, enhanced sensing, and a laser range finder, this drone offers safer and more reliable operations. The Matrice 4T is ideal for industries including electricity, emergency response, public safety, and forestry conservation."

"The DJI Matrice 4TD is a professional-grade thermal drone designed for rapid, accurate intelligence across utility inspections, solar and wind maintenance, industrial monitoring, public safety, and search-and-rescue missions. Combining high-resolution thermal imaging with a visual camera, this dual-spectrum platform reveals details invisible to conventional sensors, allowing teams to detect overheating equipment, identify hotspots in solar arrays, monitor turbine performance, and locate heat signatures during emergency operations. Rugged, IP-rated construction and extended flight endurance ensure reliable performance in challenging environments, making the M4TD a mission-ready solution for demanding field conditions."

"Flock Alpha sets a new standard for rapid response in public safety. American-made and NDAA-compliant, Flock Alpha is purpose-built for DFR, enhancing speed, coverage area, and camera power in a fully integrated solution."

PURPOSE and AUTHORIZED USE:

Purpose: The primary objective of the UAS program is to leverage technology to preserve life and enhance safety.

By providing an aerial vantage point, the UAS allows officers to create time and distance from a threat. This "tactical pause" provides opportunities for negotiation and de-escalation that are not possible when officers are forced to make split-second decisions face-to-face with a suspect.

The UAS allows for the remote assessment of hazardous scenes (e.g., suspicious devices, armed individuals), reducing the physical risk to officers and bystanders.

UAS program can rapidly clear calls for service (such as unfounded reports), allowing patrol officers to remain available for genuine emergencies and reducing police presence where it is not needed.

Authorized Uses:

Authorized operators may deploy the UAS in the following circumstances:

1. To provide real-time situational awareness during high-risk or critical incidents, such as barricaded suspects, hostage situations, active shooters, or the apprehension of armed and dangerous suspects, allowing officers to create time and distance to formulate de-escalation strategies, facilitate safe tactical planning, and reduce the need for immediate physical engagement.
2. To assist in locating lost, missing, or injured persons during search and rescue operations.
3. To rapidly respond to calls for service to verify the nature of the incident, potentially determining that a law enforcement response is unnecessary for unfounded reports or low-priority incidents, thereby acting as a resource multiplier and keeping patrol officers available for other calls.
4. To locate suspects fleeing from a crime scene, effectively containing perimeters and reducing the need for dangerous ground-based foot pursuits.
5. To track fleeing vehicles from a safe distance, allowing patrol units to de-escalate or terminate dangerous ground pursuits while maintaining visual contact.
6. To clear interior buildings or confined spaces remotely to prevent potentially violent encounters between officers and hidden suspects.
7. To assist the Fire Department with fire suppression, hazardous materials releases, or disaster response and recovery.
8. To remotely inspect potential explosive devices or hazardous objects.
9. To document complex crime scenes, accident scenes, or areas where an aerial perspective is critical for the investigation.
10. To provide situational awareness at mass gatherings or special events, but only when specific, articulable security concerns exist or criminal activity is occurring.
11. To support allied agencies via mutual aid requests when the underlying mission meets the uses outlined in this policy.
12. To mitigate hazards caused by other UAS interfering with emergency operations (Anti-UAS).
13. For pilot certification training and maintenance of proficiency.
14. To address other unforeseen exigent circumstances where there is an imminent threat to life, safety, or property, provided the deployment is consistent with the general privacy and safety principles of this policy.

FISCAL IMPACT:**Initial Cost:**

Purchase of field-based UAS (Avata 2 & Matrice 4T): Total \$44,500.

Lease of PSB-based DFR (Year 1): \$100,000.

DRAFT POLICY 709

Radar in Year 1: \$0

Dock Installation: \$15,000

Annual cost:

DFR Lease (Years 2 & 3): \$250,000 per year (includes upgrade to Flock Alpha).

Radar: \$150,000 per year.

Parts/Maintenance (for purchased units): \$2,000 per year.

Training costs:

Training (4 primary pilots): \$24,000

Training (8 additional pilots): \$48,000

Maintenance costs:

Parts/Maintenance (for purchased units): \$2,000 per year.

LEGAL AND PROCEDURAL RULES:

Authorized use must comply with state, federal laws, and Policy 611 Unmanned Aerial System (UAS) Operations.

TRAINING:

The UAS Supervisor/Program Coordinator will coordinate training of Pilots in Command and Visual Observers. The training course and materials will be approved through the training staff. An approved department instructor will oversee all training. Each training session will be documented and forwarded to the Policy and Training Bureau Sergeant.

709.4.12 ROBOTS: RECONROBOTICS SCOUT XT

DESCRIPTION:

Type: ReconRobotics Recon Scout XT

Quantity: The Berkeley Police Department currently owns and maintains 2.

Capabilities: The Recon Scout XT robot is designed to be able to crawl over a variety of terrain, clearing obstacles up to 2" (5 cm) tall. It could be thrown into hazardous situations, indoor and outdoor, and provide live audio and video feed back to the controller.

Lifespan: Both Recon Scout XT robots are over 10 years old and ReconRobotics have developed and manufactured more advanced robots. ReconRobotics have stopped manufacturing certain parts for the Recon Scout XT, so the lifespan is dependent on what parts need to be replaced.

Manufacturer's Description: The Recon Scout XT is just eight inches long and weighs just 1.3 lbs., making it extremely easy to carry and throw. Moreover, deploying the Recon Scout XT takes just 5 seconds, and using it requires no special training. Simply pull the

DRAFT POLICY 709

activation pin and throw the device through a doorway or over a wall, or drop it down a vertical shaft using a tether. Using a single joystick on the operator control unit (OCU), a tactical team leader or warfighter can then direct the device to move through the environment and send back real-time video. Equipped with an infrared optical system that automatically turns on when the ambient light is low, the Recon Scout XT can transmit video up to 100 feet indoors and 300 feet outdoors, day or night. The Recon Scout XT may also be specified in any of three transmitting frequencies, allowing police and military personnel to operate up to three robots in the same environment at the same time.

PURPOSE AND AUTHORIZED USE:

Purpose: The Recon Scout XT robot is intended to safely provide police officers valuable information during high-risk, rapid evolving situations via real-time audio and video footage. It can be driven a distance away from the OCU, creating space between the officer and potential danger, thus decreasing the likelihood of injury to those involved in the event, or even a violent encounter between police officers and a dangerous subject. This asset furthers our commitment to the sanctity of life by offering time and distance in critical incidents.

Authorized Uses: The Recon Scout XT robot may be deployed to help police officers safely view potentially dangerous environments before entering them.

FISCAL IMPACT:

Initial Cost: The initial cost for the Recon Scout XT robot was about \$12,500 per unit (2010 cost).

Annual cost: There are no ongoing or annual costs associated with the use of the Recon Scout XT robot. Being that it is battery operated, there is a nominal cost associated with charging the Recon Scout XT robot's batteries, and the batteries of the OCU. The Recon Scout XT robot is fairly simple to operate, thus there is no cost associated with training officers in its use. There are no costs with transportation or storage of the Recon Scout XT robot. While there are newer models of this robot available, there does not appear to be any upgrades available for the Recon Scout XT. The Recon Scout XT robot has been damaged on occasion, and there are costs associated with repair. But generally, the Recon Scout XT robot is robust and does not need regular repair.

Training costs: The Recon Scout XT robot is user friendly and simple to operate. Training is conducted by Berkeley Police personnel familiar with the operations and procedures of the Recon Scout XT robot. The cost of training is staff time.

Maintenance costs: There are no annual or storage costs.

LEGAL AND PROCEDURAL RULES:

Authorized use must comply with state, federal laws, and Policy 708 Robot Cameras.

TRAINING:

The Recon Scout XT robot is user friendly and simple to operate. Training is

DRAFT POLICY-----23

DRAFT POLICY 709

conducted by Berkeley Police personnel who have familiarized themselves with the product manual, operations, procedures, and demonstrated competency in the product through hands on training, these trainings are often referred to as a train-the trainer training. The cost of training is staff time.

709.4.13ROBOT: ANDROS REMOTEC HD-1 HAZARDOUS DUTY**DESCRIPTION:**

Type: Andros Remotec HD-1 Hazardous Duty Robot

Quantity: The Berkeley Police Department Bomb Squad has one robot, the Remotec HD-1 robot.

Capabilities: Remotec HD-1 robot is used in situations where a potential life-threatening situation exists and is too hazardous for a bomb technician to approach in person. The Remotec HD-1 robot is also used to survey an area prior to a bomb technician approaching a scene to check for trip wires and ascertain a good approach path. The Remotec HD-1 robot has three cameras and audio monitoring that stream live video and audio back to the control module; however, it is unable to record and does not have any data storage capabilities. It has several attachment mounting options as well. The Remotec HD-1 robot also has the ability to carry a variety of tools. Some of the tools are:

- (a) A spike to break glass and access vehicles or homes with potential explosive devices inside
- (b) An X-ray mount in order to remotely X-ray suspected explosive devices.
- (c) Percussion actuated non-electric disruptors which are smooth barrels that are filled with water and fired at high speed with a blank shotgun round to open backpacks, suitcases, and packages from a distance
- (d) A hook with cutting blades that are used to cut backpack straps, ropes, etc.
- (e) PAN rounds containing various fills, from sand to slugs, in order to open sturdier packages made from metal or other hard covers.
- (f) Electrical connections to connect explosives that can be detonated remotely and from a safe distance.

Lifespan: The Remotec HD-1 robot has an expected life span of 10 years. It is currently 13 years old and has begun exhibiting issues. The Remotec HD-1 robot weighs just over 200 lbs. and has been near multiple explosions over the years and crossed a variety of off-road terrain

Manufacturer's Description: The Remotec ANDROS fleet of hazardous duty unmanned vehicles is the preferred choice of first responders worldwide. The robust, mission-proven design of the ANDROS line keeps danger at a distance with:

- Simultaneous tool mounts for rapid response during dynamic missions (i.e. suits changing needs as the mission unfolds)

DRAFT POLICY 709

- A versatile array of two-way audio, video, advanced sensors, tools and controllers
- Easy maintainability for minimal downtime

Made in the USA and backed by world-class training and post-sale support, it's no wonder there are over 1,000 ANDROS robots deployed around the globe.

PURPOSE AND AUTHORIZED USE:

Purpose: The Remotec HD-1 robot is used as a means to approach hazardous situations where a potentially lethal threat such as an explosive device exist. The Remotec HD-1 robot allows for the examination and manipulation of an object or potential explosive device without unnecessarily putting a bomb technician's life at risk.

Authorized Uses: Used to examine and possible destroy hazardous materials such as an explosive device.

FISCAL IMPACT:

Initial Cost: Procured in 2008 for \$214,496 including on-site training through a UASI Grant. (64,292-N.S.)

Annual cost: There is no annual cost. Maintenance of the Remotec HD-1 robot is conducted by Berkeley Police Bomb Technicians.

Training costs: Berkeley Police Bomb Technicians are trained during regular bomb squad training sessions and maintain their skills through training scenarios. The cost of training is limited to staff time.

Maintenance costs: Remotec offers occasional maintenance and upkeep workshops free of charge.

LEGAL AND PROCEDURAL RULES:

Authorized use must comply with state, federal laws, and Policy 708 Robot Cameras.

TRAINING:

Berkeley Police Bomb Technicians are trained during regular bomb squad training sessions and maintain their skills through training scenarios. All Berkeley Police Bomb Technicians are required to attend a federally mandated training that lasts approximately six weeks.

709.4.14 **CTS 7290 LIGHT/SOUND DIVERSIONARY DEVICE**

DESCRIPTION:

Type: CTS 7290 Diversionary Device

Quantity: The Berkeley Department currently owns and maintains 50.

Capabilities: When a diversionary device is deployed they create a loud noise, heat and brilliant light and create an effective diversion. They can create psychological and

DRAFT POLICY 709

physiological effects such as: hearing a loud noise beyond that of everyday living, seeing a short bright light, and feeling of a change in atmospheric pressure. These effects may disorient/confuse subjects for a short time giving tactical teams the ability to apprehend that subject without using a higher level of force.

Lifespan: The lifespan of the CTS 7290 Diversionary Device is 5 years.

Manufacturer's Description: The CTS 7290 is the standard for diversionary flash-bang devices. The 7290 produces a 165-180 db and 6-8 million candela of light output. The patented design of the 7290, incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. In addition, internal adjustments have greatly reduced smoke output.

Flash Bangs are used by special tactical units during hostage rescue and high-risk warrants. It is an ATF-controlled Class-C explosive device that emits a bright light and thunderous noise to distract potentially dangerous individuals.

PURPOSE AND AUTHORIZED USE:

Purpose: The purpose of a diversionary device is to create a reactionary gap of a person by temporarily disorienting them. This gap gives tactical teams an opportunity to apprehend a suspect while using the minimal amount of force possible. They can also be used to safely invoke a response or redirect the attention of subjects who are either feigning injury, ignoring police commands or are unresponsive while posing a threat to the public.

Authorized Uses: The use of a diversionary device is to create a diversion in order to facilitate entry and enable arrest. Circumstances justifying the use of a diversionary device may include, but not limited to barricaded subject or hostage situations and high-risk search warrants services.

FISCAL IMPACT:

Initial Cost: Diversionary Devices cost approximately \$45 per unit and are purchased through LC Action Police Supply. Purchases for these tools are made when inventory becomes low, based upon critical incident usage and Special Response Team trainings that incorporate live devices.

Annual cost: See below training cost.

Training costs: Only trained and qualified personnel are permitted to deploy diversionary devices. These trained Berkeley Police officers are typically members of the Berkeley Police Department Special Response Team who receive monthly training which includes training in the deployment of diversionary devices. The cost of training is staff time.

Maintenance costs: The majority of diversionary devices are stored inside of a room in the basement within the Police Department. There are no additional storage costs. There are no associated costs to transporting, maintenance, or upgrades.

LEGAL AND PROCEDURAL RULES:

Authorized use must comply with state, federal laws, and Policy 353 Diversionary Devices.

TRAINING:

Only trained and qualified personnel are permitted to deploy diversionary devices. These trained Berkeley Police officers are typically members of the Berkeley Police Department Special Response Team who receive monthly training which includes training in the deployment of diversionary devices.

709.4.15 LONG RANGE ACOUSTIC DEVICE (LRAD)

DESCRIPTION:

Type :The Long Range Acoustic Device (LRAD)

Quantity: The Berkeley Department currently owns and maintains possesses 2 Long Range Acoustic Devices (LRAD) speakers. One is an LRAD 450XL and the other is an LRAD 100X.

Capabilities: Both of these speakers are able to focus sound in directional pattern allowing the user to make sound audible over distances much greater than conventional public address speakers. The LRAD 450XL is the larger of the two and designed to either be used in a fixed location or mounted on a vehicle to make it portable. It has a usable range of approximately 1 mile. The LRAD 100X is smaller and more portable. It can be carried or mounted to a person's chest for mobility or mounted to a vehicle. Its range is approximately 1/3 of a mile. Both of these systems allow for clear long-range communication, they are also able to play recorded messages.

Lifespan: The lifespan for both LRADs is 25 years.

Manufacturer's Description: LRAD 100x In addition to being 20 – 30 decibels louder than bullhorns and vehicle-based P.A. systems, the LRAD 100X is also up to 6X louder and much more intelligible than other hailing devices of comparable size and weight. Live or recorded broadcasts from the portable LRAD 100X easily overcome engines, sirens and noisy crowds to ensure every message is heard and understood. The LRAD warning tone safely alerts attention to the voice messages that follow, establishes large standoff zones, and is the safer crowd control alternative to non-lethal and kinetic measures.

LRAD 450XL- The LRAD 450XL utilizes technology developed and patented* by Genasys Inc. to provide the audio output of larger acoustic hailers almost twice its size and weight, while delivering the same outstanding vocal clarity inherent in all LRAD systems. The LRAD 450XL broadcasts powerful warning tones to command attention to the highly intelligible voice messages that follow, enabling operators to change behavior and enhance response capabilities with safe, scalable escalation of force. Lightweight and designed for use on tripods or mounted on vessels, vehicles, and Remote Weapon Stations (RWS), the LRAD 450XL is a highly effective, long range communication system in use around the world for public safety, law enforcement, maritime and defense

applications.

PURPOSE AND AUTHORIZED USE:

Purpose: The LRADs are designed for clear long-range communication. The LRAD's ability to communicate over a long distance is far superior to any megaphone or Public Address (PA) system mounted to a police vehicle. Additionally, LRAD's may be used to:

- Communicate lifesaving information to residents during disasters
- Communicate to large crowds during parades, festivals, concerts and sporting events
- Establish safety zones and perimeters
- Control traffic congestion
- Conduct Special Response Team operations
- Broadcast a dispersal order
- Communicate during hostage and barricaded subject situations
- Announce and serve high risk warrants
- Communicate to protesters
- Communicate to persons threatening suicide who are in an inaccessible location
- Conduct search and rescue operations

The ability to communicate with the public in a large area increases the safety of all members of the public and law enforcement. It allows everyone in a given area to know what is being communicated, gives more situational awareness to everyone in a given area and allows people to know where to go or not to go.

Authorized Uses: The LRADs are used to communicate with the community during natural disasters, crowd management and control situations, or when other forms of communications are ineffective or inoperable to unequivocally communicate messages from Police or Fire and safely resolve uncertain situations where communicating with the public is paramount.

FISCAL IMPACT:

Initial Cost: The LRAD 450XL and the LRAD 100X were purchased in 2018. The total cost for both LRADs, rechargeable battery packs and accessories was \$49,999.

Annual cost: BPD has not incurred any additional cost to date for this equipment.

Training costs: Training is conducted by Berkeley Police personnel who are trained in the use and procedures of the LRAD. The cost to train is staff time.

Maintenance costs: There are no maintenance or storage costs for this equipment.

LEGAL AND PROCEDURAL RULES:

Authorized use must comply with state, federal laws, and Policy 707 Long Range Acoustic Device.

TRAINING:

Training is conducted by members of the Berkeley Police Department who have extensively reviewed the product manual, become knowledgeable and familiar in the operations and procedures of the LRAD. All trainers have proven demonstrated

DRAFT POLICY 709

proficiency and competency in the product through hands on training, these trainings are often referred to as a train-the trainer training.

709.4.16 MOBILE COMMAND VEHICLE (MCV)**DESCRIPTION:**

Type: The MCV is a 2003 Freightliner MT55

Quantity: The Berkeley Department currently owns and maintains 1 MCV, a 2003 Freightliner MT 55.

Capabilities: The MCV is a mobile office that provides shelter and may be used as a mobile command and communication center.

Lifespan: This vehicle is approximately 20 years old and is at the tail end of its serviceable lifespan. All emergency vehicles need to be completely dependable and vehicles of this age start to lose dependability as old parts start to fail without warning. The modern versions of this type of vehicle are typically converted motorhomes.

Manufacturer's Description: The 22' Freightliner MT55 P1200 is the biggest stepvan option for your delivery fleet, offering maximum capacity, accessibility and maneuverability. Built with a powerful Cummins 6.7L 200HP Diesel Motor, this route truck has folding lower shelves to optimize your cargo space and rear sonar for safety.

PURPOSE AND AUTHORIZED USE:

Purpose: This vehicle may be used as a mobile command post for any larger scaled events or as a communications center in the event the communications center in the Public Safety Building is inoperable. Some examples of large-scale events include Solano Stroll,

Juneteenth, 4th of July, critical incidents or natural disasters.

Authorized Uses: This vehicle is used as a mobile command post for large scaled events.

FISCAL IMPACT:

Initial Cost: The initial cost of the MCV (2003 Freightliner MT55) was \$230,800.

Annual cost: There is no annual or ongoing cost associated with this vehicle. Maintenance of the vehicle is conducted by the City's Corporation Yard.

Training costs: Training is conducted in-house by Berkeley Police personnel who are trained in the operation of the vehicle. The training cost is staff time.

Maintenance costs: There are no storage costs and maintenance would be conducted by the City of Berkeley Corporation Yard.

LEGAL AND PROCEDURAL RULES:

Authorized use must comply with state, federal laws, and Policy 811 Mobile Command Vehicle.

TRAINING:

Training is conducted by members of the Berkeley Police Department who have extensively reviewed the product manual, become knowledgeable and familiar in the operations of the 2003 Freightliner MT 55. All trainers have proven demonstrated proficiency and competency in the product through hands on training, these trainings are often referred to as a train-the trainer training. All operators have had behind the wheel practical training, wherein the operator drives various routes through the City of Berkeley with a trainer during training.

709.4.17 **BARRET MODEL 99 RIFLE**

DESCRIPTION:

Type: The Barrett Model 99 rifle is a single shot bolt-action 50-caliber rifle

Quantity: The Berkeley Department currently owns and maintains 1 rifle.

Capabilities: This rifle is used only in situations where a potential life-threatening situation exists. The length of the rifle's barrel coupled with the ammunition result in precision accuracy. This rifle is capable of disabling any vehicle engine block because of the large caliber round.

Lifespan: This rifle has been in our possession for almost 15-years and we expect it to last for an additional 20 years or more considering how in-frequently it's used.

Manufacturer's Description: The Model 99 brings new levels of long-range precision shooting. Known as much for its dependability as its versatility, the Model 99 has unfailing accuracy you can rely on.

PURPOSE and AUTHORIZED USE:

Purpose: The Barrett rifle is a firearm that may be used to stop a vehicle which poses a lethal threat to the public, or to disable a vehicle which presents a threat to the safety of another person(s) by its continued use. There are vehicle disabling tools that may disable vehicles by slowly deflating the tires; however, even with tires deflated a vehicle has the ability to operate and remain a threat to the public. Furthermore, these tools must be hand deployed and, in most circumstances, require officers to expose themselves to deadly threats. The Barrett rifle creates the ability to effectively disable vehicles instantaneously from a distance away.

Authorized Uses: Used in the defense of life or great bodily injury to potential victims of violent crimes, general public, and officers. An officer considering the use of this firearm in a non-preplanned incident should consider the factors set forth in the Risk Assessment section of Policy 607, Operations, Planning, and Deconfliction.

FISCAL IMPACT:

Initial Cost: The Barrett Model 99 50-caliber rifle has a retail cost of approximately \$12,500 dollars. The Department of Justice provided the Barrett rifle to the Berkeley

DRAFT POLICY 709

Police Department on 04/04/2007. There was no initial cost related to BPD taking possession of it.

Annual cost: The annual cost of the equipment is minimal and includes ammunition expenditure, cleaning equipment, and possibly replacing the optics at some point in the future.

Training costs: The cost associated with training is the staff time, range fees, and cost of spent ammunition.

The costs associated with its proposed uses is in the expenditure of its ammunition. The ammunition has a retail cost of approximately \$6 dollars per bullet; \$60 for a box of 10 and \$600 for a case of 10 boxes, plus shipping and handling. We currently possess 100 rounds of BMG ammunition.

Maintenance costs: Maintenance costs vary depending on use over time and will vary. There are no costs associated with maintenance or storage of ammunition. All ammunition is stored in a climate-controlled room in the Berkeley Police Department.

LEGAL AND PROCEDURAL RULES:

Authorized use must comply with state, federal laws, and Policy 300 Use of Force, and Policy 354 Precision Rifle. The use of this equipment shall comply with the authorizations and prohibitions set forth in Policy 300 – Use of Force. It is the policy of the BPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force including the provisions of Penal Code Section 13652.

TRAINING:

Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification.

709.4.18 SUMMIT AMMUNITION .50 CAL BNG ROUNDS (FOR THE BARRETT MODEL 99) DESCRIPTION:

Type: Summit Ammunition .50 caliber BNG rounds of ammunition

Quantity: The Berkeley Department currently possess approximately 100 rounds of this ammunition.

Capabilities: This rifle ammunition is capable of disabling any vehicle engine block because of the large caliber round.

Lifespan: Like all ammunition, if kept cool and dry, ammunition lifespan can exceed ten years. Due to BPD's and State mandates on training, the majority of ammunition is cycled through within a year of purchase.

DRAFT POLICY 709

Manufacturer's Description: This is 50 Cal. BMG Summit Ammunition 700gr. M-2 Armor Piercing Ammo. Summit Ammunition has been manufacturing 50 Cal. BMG for over 10 years and they manufacture a premium quality product. They are a fully licensed and insured manufacturer. This ammo is loaded with NEW Winchester brass, New USGI powder and Pulled Lake City M-2 AP bullets.

PURPOSE AND AUTHORIZED USE:

Purpose: This rifle ammunition is capable of disabling any vehicle engine block because of the large caliber round.

Authorized Uses: Used in the defense of life or great bodily injury to potential victims of violent crimes, general public, and officers.

FISCAL IMPACT:

Initial Cost: The costs associated with its proposed uses is in the expenditure of its ammunition. The ammunition has a retail cost of approximately \$6 per bullet; \$60 for a box of 10, and \$600 for a case of 10 boxes, plus shipping and handling. We currently possess 100 rounds of BMG ammunition.

Annual cost: The annual cost of the equipment is minimal.

Training costs: The cost associated with training is the staff time, range fees, and cost of spent ammunition.

Maintenance costs: Maintenance costs vary depending on use over time and will vary. There are no costs associated with maintenance or storage of ammunition. All ammunition is stored in a climate-controlled room in the Berkeley Police Department.

LEGAL AND PROCEDURAL RULES:

Authorized use must comply with state, federal laws, and Policy 300 Use of Force, and Policy 354 Precision Rifle. The use of this equipment shall comply with the authorizations and prohibitions set forth in Policy 300 – Use of Force. It is the policy of the BPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force including the provisions of Penal Code Section 13652.

TRAINING:

Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification.

709.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least

DRAFT POLICY 709

30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

709.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

709.6.1 TEMPORARY USE IN EXIGENT CIRCUMSTANCES

The Berkeley Police Department may borrow and/or temporarily use Controlled Equipment in Exigent Circumstances without following the acquisition requirements in BMC 2.100.040, however the Department must take the following actions:

- (a) Provide written notice of the acquisitions or use to the City Council within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged under local, state, or federal law
- (b) If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed Controlled Equipment Impact Report and Controlled Equipment Use Policy, as applicable, to the City Council within 90 days following the borrowing, acquisition or temporary use, and received approval, as applicable from the City Council pursuant to BMC 2.100.040
- (c) Include the Controlled Equipment in the Department's next annual Controlled Equipment Report.

709.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the

military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

709.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

709.9 MILITARY EQUIPMENT QUESTIONS

Any member of the public may direct their questions regarding this policy and ordinance to the Policy & Training Bureau at 510-981-5974. Questions may also be directed to police@cityofberkeley.info. Questions will be answered in a timely manner by a member of the Berkeley Police Department.

709.9.1 MILITARY EQUIPMENT COMPLAINTS

Any member of the public may direct their complaints regarding this policy and any of the military equipment to Internal Affairs Bureau at 510-981-5706.

709.10 ASSOCIATED EQUIPMENT USE POLICIES

The below links will direct to the respective use policies:

[300-Use of Force](#)

[303-Control Devices and](#)

[Techniques 349-Tactical Rifle](#)

[Operator Program 353-](#)

[Flash/Sound Diversionary Devices](#)

[354-Precision Rifle Operator](#)

[Program 428-First Amendment](#)

[Assembly](#)

[607-Operations, Planning, and Deconfliction](#)

[**611-Unmanned Aerial System Operations**](#)

[707-Long Range Acoustical Device \(LRAD\)](#)

[708-Robot Cameras](#)

[811-Mobile Communications Vehicle \(MCV\)](#)

709.11 COMPLIANCE

The Office of Strategic Accountability will ensure that the Department members comply with this policy. The Office of Strategic Accountability will conduct an annual audit with the assistance from members of the Policy & Training Bureau. Any violations will be referred to the Internal Affairs

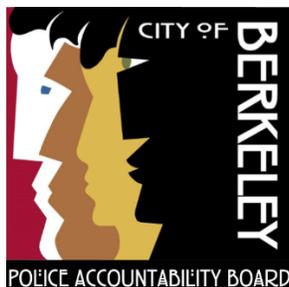
Bureau and handled in accordance with the Personnel Complaints Policy. All instances of non-compliance will be reported to the City Council via the annual military equipment report.

The Police Accountability Board shall review and make recommendations to the City Council, with the same procedures and requirements of the Police Equipment and Community Safety Ordinance, as described in Berkeley Municipal Code section 2.100.040.

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Item 9.c.

ODPA Memorandum to the PAB Titled "Proposed Resolution Rescinding the Berkeley Police Department's Pepper Spray Reporting Requirement"



MEMORANDUM

Date: February 6, 2026
 To: Honorable Members of the Police Accountability Board (PAB)
 From: Hansel A. Aguilar, Director of Police Accountability (DPA) *HA*
 Jose D. Murillo, Policy Analyst *JM*
 Subject: Proposed Resolution Rescinding the Berkeley Police Department's (BPD) Pepper Spray Reporting Requirement

The purpose of this memorandum is to provide the PAB with an overview of the proposed resolution by Councilmember Kesarwani to rescind the BPD's reporting requirement for pepper spray (handheld oleoresin capsicum spray) and to offer a recommendation for the PAB's consideration.¹

Recommendation:

The PAB should consider recommending to Council to continue the requirement for the submission of use of pepper spray reports. Discontinuing these reports would reduce the amount of detailed information available to the public and the PAB. Although BPD use-of-force reports contain comparable information regarding the circumstances and justification for force, they are generally exempt from public disclosure pursuant to California Penal Code § 832.7,² which restricts access to incidents resulting in death or great bodily injury. Maintaining the use of pepper spray reports ensures that the public retains access to detailed information concerning the deployment of chemical agents.

Alternative Recommendations:

The following alternative recommendations are presented for PAB consideration:

¹ Proposed Resolution Rescinding Berkeley Police Department's Pepper Spray Reporting Requirements as Presented at The January 29, 2026 Public Safety Policy Committee:

<https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2026-01-29%20Agenda%20Packet%20-%20Public%20Safety.pdf#Page=9>

² California Penal Code § 832.7:

https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=832.7.&nodeTreePath=5.5.6&lawCode=PEN

Alternative Recommendation 1

Consider recommending that the item be deferred until further public engagement can be completed.

Rationale: In light of the strong community interest in the topic, as demonstrated by the January 29, 2026 PSPC meeting, which drew a large audience, included over 54 public speakers, and generated more than 50 written correspondences on the item. Deferral would allow additional time for further community input, including feedback gathered through Berkeley Considers or other community meetings or workshops.

Alternative Recommendation 2

Consider recommending to discontinue the full use-of-pepper spray report while maintaining a notification process to the PAB. A brief report would include only the essential incident details, enabling the PAB to request the full records if needed for policy review or in connection with a personnel complaint.

Rationale: Streamlining the report to include only essential incident details maintains PAB oversight and accountability while reducing administrative burden. Full records remain available upon request for policy review or personnel matters.

Alternative Recommendation 3

Consider recommending to discontinue the separate use-of-pepper spray report, but ensure that each deployment is summarized in a publicly accessible format through the BPD transparency hub and annual report. Summaries should include a brief description of the use and the reason for deployment, similar to the short descriptions currently included in the Military Equipment Report, but presented on the transparency portal for public access in a timely manner.

Rationale: Summarizing each pepper spray deployment in the BPD Transparency Hub ensures timely public access and accountability while eliminating the separate report.

Background:

On September 16, 1997, the Berkeley City Council considered an interim policy requiring that, whenever pepper spray was used by the BPD, the involved officer complete a “use of pepper spray” report comparable to the existing use-of-force report and notify the City Council and the Police Review Commission (PRC) within seven days of the incident.³

³ September 16, 1997 Berkeley City Council Regular Meeting Minutes:

<https://records.cityofberkeley.info/PublicAccess/api/Document/AeisDL0wb0rLRoKE0UxGM17hRcr958dtQ%C3%81rjC5EzVvEFJ5BM2yr9mJHuSFvoeK%C3%89nwuZy2cKrh9vI2WElvEHqsm0%3D/%23page=6>

The Council also considered measures including placing seals on pepper spray canister triggers, prohibiting the use of pepper spray for crowd control by the BPD, and investigating potential legal and other actions in response to the UC Berkeley Police Department's use of pepper spray and other weapons against demonstrators advocating for affirmative action.⁴ These actions were adopted alongside a separate motion calling for increased oversight of the UC Berkeley Police Department and reforms to the UC Police Review Board. Since then, the BPD has submitted reports to the City Council and the PAB (formerly the PRC) whenever officers use pepper spray. In 2025, the PAB was notified of three (3) incidents involving the use of pepper spray.

The Public Safety Policy Committee (PSPC) considered the proposal to rescind the ordinance on January 29, 2026.⁵ The meeting included testimony from more than 54 speakers expressing their opposition to the proposal, as well as over 50 written communications submitted to the committee. The PSPC ultimately voted to forward the item to the City Council with a qualified recommendation that included: 1) inviting review by the PAB, 2) reaffirming the existing reporting requirements that remain in effect, and 3) directing the BPD to work to maximize the availability of these reports through the transparency hub and annual report.⁶

Current Situation and Impacts of the Proposal:

Under BPD Policy 300.6.2, Use of Force Reporting Levels, the use of chemical agents, including pepper spray, is classified as a Level 3 use of force. Pursuant to BPD Policy 300.6, all uses of force must be documented promptly, thoroughly, and accurately in the appropriate report, depending on the nature of the incident and the level of force used. Officers are required to articulate the factors they perceived and explain why the use of force was objectively reasonable and necessary under the circumstances.⁷

In addition to use-of-force reporting, any deployment of pepper spray requires completion of a separate use of pepper spray report and is also recorded as a use-of-force data entry

⁴ June 30, 1998 News Release "UC Berkeley releases Police Review Board report on April 1997 Sproul Hall confrontation between UC police and demonstrators":

<https://newsarchive.berkeley.edu/news/media/releases/98legacy/06-30-98b.html>

⁵ January 29, 2026 Public Safety Policy Committee Agenda: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2026-01-29%20Agenda%20Packet%20-%20Public%20Safety.pdf#Page=9>

⁶ January 29, 2026 PSPC Annotated Agenda: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2026-01-29%20Annotated%20Agenda%20Public%20Safety.pdf>

⁷ BPD Policy 300 "Use of Force":

https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=57

on the BPD’s transparency hub, which contains limited information.⁸ Pepper spray deployments must further be reported in accordance with the requirements of AB 481.⁹

The following chart compares the reporting requirements and information captured in the use of pepper spray report with those in the three other reports.

Use Of Pepper Spray Report Elements	Use Of Force Report	Annual Military Equipment Report	Transparency Hub Entry
Is this document public?	No	Yes	Yes
Name Of Dept. Employee Using The Spray	Yes	No	No
Case Number	Yes	No	No
Incident Date	Yes	No	Yes
Incident Time	Yes	No	No, all uses for force are noted as 12:00 am.
Incident Location	Yes	No, only the Beat is noted.	Yes, Block address.
Whether Application Was Effective Or Ineffective	Yes	No	Yes
Whether Subject Was An Adult Or Juvenile	Yes	No	Yes
Subject Description (Sex, Height, Weight)	Yes	No	Yes

⁸ Berkeley Police Department Transparency Hub: <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/cfs-stats>

⁹ Assembly Bill 481: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB481

Whether Paramedics Responded And Administered First Aid	Yes	No	No
Nature Of Incident / General Reason	Yes	Yes	Yes
Summary And Justification Of The Actions Of Officer(S) Involved	Yes	No	No

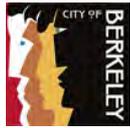
Of the three additional reporting mechanisms, the BPD use of force report is the only one that captures all of the elements currently included in the use of pepper spray report, and does so at an equivalent or greater level of detail. However, these use of force reports are generally not available to the public due to confidentiality restrictions under California Penal Code section 832.7,¹⁰ which permits public disclosure only for use-of-force incidents that result in death or great bodily injury. As a result of these limitations, the proposed rescission would significantly reduce the amount of information available to the public, limiting public access to only high-level, generic data about pepper spray incidents.

Under Charter Section 125(20)(a), the PAB has the authority to review Use of Force reports in the course of fulfilling its responsibilities which include the investigation of personnel complaints or the review and evaluation of BPD policies, practices, or procedures.

Attachments:

1. Proposed Resolution Rescinding Berkeley Police Department’s Pepper Spray Reporting Requirements as Presented at The January 29, 2026 Public Safety Policy Committee (<https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2026-01-29%20Agenda%20Packet%20-%20Public%20Safety.pdf#Page=9>)
2. Example of a Use of Pepper Spray Report

¹⁰ California Penal Code § 832.7:
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=832.7.&nodeTreePath=5.5.6&lawCode=PEN



Rashi Kesarwani
Councilmember, District 1

CONSENT CALENDAR

December 2, 2025

TO: Honorable Mayor and Members of the City Council
FROM: Councilmember Rashi Kesarwani (Author)
SUBJECT: Resolution Rescinding Berkeley Police Department’s Pepper Spray Reporting Requirement

RECOMMENDATION

Adopt a resolution rescinding Berkeley Police Department’s current required notification process for reporting pepper spray use after each incident. Further, recommend recording the use of pepper spray within the existing use of force reporting system to minimize the administrative burden on staff. The department’s current transparency measures already provide the public with detailed data on all use of force incidents.

CURRENT SITUATION AND ITS EFFECTS

Currently, the Berkeley Police Department (BPD) must notify the City Council and the Police Accountability Board within seven days every time pepper spray is used by the Police Department. The required Use of Pepper Spray Report is comparable to the Use of Force Report, which is also required to be filed for these types of incidents. This duplicates both staff’s efforts and the information captured and creates an unnecessary administrative burden.

Under current policy, every deployment of pepper spray goes through the full review structure required by Policy 300 which includes documentation and supervisory evaluation. At the same time, officers must prepare a second report for Council and the Police Accountability Board that contains the same facts already captured in the use-of-force review. The two processes run side by side and track identical information, which creates extra work without adding anything meaningful to the record.

The Department already publishes detailed information on all use of force incidents through its Transparency Hub which is continuously updated. That system shows

2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-7110 • TDD: (510) 981-6903 • Fax: (510) 981-7111
E-Mail: rkesarwani@cityofberkeley.info

when pepper spray is used and places it within the broader context of overall use of force reporting. Because the public already receives this comprehensive, routine data an additional stand-alone pepper spray report no longer serves a unique purpose. The proposed change would simply eliminate the additional reporting mechanism and maintain the reporting of pepper spray use as it currently exists within the Transparency Hub.

BACKGROUND

In 1997, the Berkeley City Council instituted a separate notification process for reporting pepper spray use.¹ That requirement helped build accountability during an era of evolving police practices. That was also a time that pre-dated the Department's Transparency Hub² that contains vast quantities of data including all use of force incidents that are updated daily. This overhaul of reporting procedures has made the separate pepper spray notification obsolete.

PROPOSED CHANGES AND RATIONALE FOR RECOMMENDATION

The proposed resolution would eliminate the mandate requiring Council notification for every use of pepper spray. All incidents will be documented through the existing use of force reporting system and be readily available to the public. This adjustment simplifies administrative procedures and avoids duplicative reporting while preserving transparency and accountability. The current reporting framework captures all instances of pepper spray use alongside other use of force incidents. Maintaining a separate notification requirement burdens staff with redundant documentation. The change will streamline operations and allow personnel to devote more attention to critical matters without sacrificing public oversight.

FISCAL IMPACTS

No significant additional expenditures are anticipated. The proposed change is expected to yield administrative efficiencies that may result in minor cost savings.

CONTACT PERSON

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

ATTACHMENTS

- 1) Resolution
- 2) Minutes for the Regular City Council Meeting, September 16, 1997

¹ See Attachment 2

² Berkeley Police Transparency Hub: <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/>
2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-7110 • TDD: (510) 981-6903 • Fax: (510) 981-7111
E-Mail: rkesarwani@cityofberkeley.info

Resolution NO. ##,###-N.S.
Resolution Rescinding the Pepper Spray Incident Notification Requirement

WHEREAS, in 1997 the City Council established a requirement for the Berkeley Police Department to notify Council each time pepper spray is used as a measure to bolster accountability; and

WHEREAS, the separate notification process was introduced at a time when reporting mechanisms were limited and provided necessary oversight; and

WHEREAS, the Berkeley Police Department has since implemented a comprehensive use-of-force reporting system that documents all related incidents, including those involving pepper spray; and

WHEREAS, the continued requirement for separate notification creates redundant administrative tasks that strain City resources; and

WHEREAS, rescinding the notification requirement will simplify reporting procedures and allow staff to concentrate on more critical operational matters while preserving public transparency;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that:

1. The requirement for the Berkeley Police Department to notify the City Council every time pepper spray is used is hereby rescinded.
2. All pepper spray incidents shall be recorded as part of the established use-of-force reporting system in accordance with current departmental protocols.

MINUTES
BERKELEY CITY COUNCIL
REGULAR MEETING

Tuesday, September 16, 1997

Section A. Preliminary Matters

1. **Roll Call:** 8:00 p.m.

Present: Councilmembers Armstrong, Breland, Maio, Olds, Shirek, Spring, Woolley, Worthington, Mayor Dean and Deputy City Manager Rucker.

Absent: None.

2. **Ceremonial Matters:**

- a. Proclaimed September 20 as Berkeley Coastal Clean-up Day
- b. Proclaimed the 25th Anniversary for Telegraph Avenue Arts and Crafts Vendors
- c. Proclaimed September 14 - September 20 as Constitution Week

3. **Comments From The Public:** Lenore Anderson; Nancy Delaney; Ashley Krey; Sally Hindman; Howard Jeter; Ed Joseph; Charles Robinson; David Todtfeld; Margaret Bartelt; Russell Bates; Tom McAninley.

Section B. Action On Minutes

Meetings of May 13 (regular), June 3 (regular), June 10 (regular), June 17 (regular, special), June 24 (regular, special), July 8 (regular), July 15 (regular), July 22 (regular, special), July 25 (special), and July 31 (special), 1997.

Action: Minutes held over at the request of Mayor Dean.

Section D. Consent Calendar

The Consent Calendar was moved by Councilmember Breland, seconded by Councilmember Spring, and adopted by unanimous vote of the Council, unless otherwise stated:

- (a) From City Manager:
1. **Loan Agreements with the Redevelopment Agency**
Recommendation: Adopt a Resolution authorizing the City Manager to prepare loan agreements with the Redevelopment Agency for the purpose of financing Agency administration, overhead and capital projects in the West Berkeley Redevelopment Project Area and presenting for final approval on October 28, 1997. The debt obligations to conform substantially to the following: 1) a multi-year loan agreement for an aggregate amount to pay for administrative and overhead expenses through the year 2012 and 2) a loan from the City to fund Capital Projects. Expense: Not to exceed \$3.31 million.
Action: Adopted Resolution No. 59,150-N.S. (Abstain: Olds, Dean)
 2. **Contract: Totland Park Renovations**
Recommendation: Adopt a Resolution approving plans and specifications for Totland Park renovations; accepting the bid of CLD Construction; authorizing the City Manager to execute a contract and any amendments for a period of 120 days. Expense: \$49,950
Action: Adopted Resolution No. 59,151-N.S.
 3. **Donation for San Pablo Park Play Equipment Project**
Recommendation: Adopt a Resolution accepting a donation from Eminent Software Inc. through Berkeley Partners for Parks for planned improvements within the tot area at San Pablo Park. Donation: \$3,000
Action: Adopted Resolution No. 59,152-N.S.
 4. **Contract: University Avenue Interconnect Replacement Project**
Recommendation: Adopt a Resolution approving plans and specifications for the University Avenue Interconnect Replacement Project; accepting the bid of St. Francis Electric, Inc.; and authorizing the City Manager to execute a contract and any amendments to install traffic signal interconnect cable along University Avenue between Milvia and Sixth Street for the period September 15, 1997 to June 30, 1998. Expense: \$340,000
Action: Adopted Resolution No. 59,153-N.S.
 5. **Contract: Municipal Parking Lot at Dwight Way and Eighth Street**
Recommendation: Adopt a Resolution appropriating funds from the Off-Street Parking Fund; and authorizing the City Manager to execute a contract and any amendments with the Berkeley Chamber of Commerce to manage and operate the new City Parking Facility at Dwight Way and Eighth Street for a time period of two years. Expense: \$23,170
Action: Adopted Resolution No. 59,154-N.S.

6. **Contract: West Campus Swim Center Pool Renovation Project**
 Recommendation: Adopt a Resolution approving plans and specifications for the West Campus Swim Center Pool Renovation Project; accepting the bid of Western Water Features, Inc.; and authorizing the City Manager to execute a contract and any amendments to upgrade the swimming pool at the West Campus Swim Center for the period September 15, 1997 to June 30, 1998. Expense: \$223,700
Action: Adopted Resolution No. 59,155-N.S.
7. **Contract: West Berkeley Senior Center Roof Replacement**
 Recommendation: Adopt a Resolution approving plans and specifications for the West Berkeley Senior Center roof replacement; accepting the bid of Pioneer Roofing Organization; authorizing the City Manager to execute a contract and any amendments for a period of 35 calendar days. Expense: \$44,952
Action: Withdrawn by the City Manager.
8. **Contract: North Berkeley Senior Center Upper Exterior Siding Repair**
 Recommendation: Adopt a Resolution approving the plans and specifications for North Berkeley Senior Center upper exterior siding repair; accepting the bid of the lowest responsible bidder; authorizing the City Manager to execute a contract and any amendments for the period September 26, 1997 to January 1, 1998. Expense: \$115,000
Action: Adopted Resolution No. 59,156-N.S.
- (b) From Mayor and Council:
1. **Gray Panthers Proclamation**
 From: Councilmember Maio
 Recommendation: That Council approve the reading of a proclamation at the September 23rd Council meeting declaring Friday, September 26, 1997 as Gray Panthers Day and allowing representatives from the Gray Panthers to comment.
Action: Approved recommendation to add proclamations to September 23rd meeting.
2. **Support Survival of the Traditional Hopi/Dineh (Navajo) Peoples**
 From: Councilmember Worthington
 Recommendation: That Council: 1) Adopt a Resolution which outlines the severity of the situation at Big Mountain regarding survival of the cultural existence of the Traditional Hopi/Dineh (Navajo) Peoples, 2) Send letters to President Clinton, Congressman Dellums and Senators Feinstein and Boxer urging them to establish new emergency hearings to investigate the issues occurring in northeast Arizona and a request for creation of a National Historic Cultural and Environmental Preserve and the return of those relocatees to the Joint Use Area and nearby lands, 3) Formally request the elders of both the Hopi and Dineh tribes be sought out and included in these hearings, 4) Call upon other U.S. cities to join us in lobbying Congress and the President to put an end to the injustices being performed with our government's approval, 5) Send a letter to Executives of Peabody Coal and the parent company, Hanson, Inc. asking them to put an end to the ecosystem destruction and devastation of cultural existence of the native peoples, 6) Send a letter to the Bureau of

Indian Affairs in Arizona and to Ada Deer, Assistant Secretary for Indian Affairs, calling upon them to act upon their responsibilities to protect and preserve the traditional cultures, and 7) Send letters to the Hopi Tribal Council and Tribal Police Chief, and Senator McCain voicing the City of Berkeley's disapproval of their actions and encouraging interest of the traditional peoples, culture and sustainment of the ecosystem ahead of corporate interests, such as those of Peabody Coal, or others.

Action: Adopted Resolution No. 59,157-N.S.

3. **Enforcement of Permit Parking Zone**

From: Councilmember Spring

Recommendation: That Council 1) request the City Manager inform all City staff and the Berkeley Unified School District of the rules regarding the preferential permit parking zones in the Civic Center area, 2) continue the project started by MAGNA representatives of daily identification of individual license plate numbers and car owners that park for more than two hours in Zone C and 3) report back to Council in seven months.

Action: Approved recommendation.

4. **Establish an Additional Zoning Adjustments Board**

From: Mayor Dean

Recommendation: That Council refer to the Zoning Adjustments Board (ZAB) and the City Manager the question of establishing an additional Zoning Adjustments Board and request a report back with recommendations by the end of November 1997.

Action: Removed from Consent Calendar by Councilmember Maio. Moved, seconded, carried (Shirek/Maio; Noes - Woolley, Dean) to table the item.

5. **Prevention of Storm Damage from Expected Early and Heavy Winter Rains**

From: Councilmembers Armstrong, Olds, Woolley and Mayor Dean

Recommendation: That Council direct the City Manager to take immediate steps to prevent storm damage expected to occur as a result of early and heavy rains due to El Nino. Steps should include but not be limited to the following: 1) Clean out all storm drains throughout the City, paying special attention to areas where past problems have occurred, 2) Plan ahead to prevent damage from occurring in landslide areas and 3) Take action to ensure that creeks are inspected prior to the onset of winter storms. In addition, request the City Manager prepare an oral report including a City-wide schedule of cleaning storm drains no later than the October 7th Council meeting.

Action: Removed from Consent Calendar by Councilmember Maio. Moved, seconded, carried (Spring/Maio; Abstain - Armstrong, Olds, Woolley, Dean) to ask the City Manager to schedule a Council discussion with a report back in October on Public Works' work plan and priorities and schedule for storm drain cleanouts. The report should also include information on what is being done by the County and by other cities to prepare for El Nino. Mayor Dean and Councilmembers Armstrong, Olds and Woolley asked that the record reflect that they abstained because they feel that the storm related issues are not being addressed.

6. **Investigation of California Gas Prices**
From: Mayor Dean
Recommendation: That Council support Senator Boxer in her investigation of the rise in California gas prices by sending letters of support to Senator Boxer, Attorney General Reno and Secretary of Energy Pena and endorse a letter writing campaign allowing Berkeley residents to express their support for the investigation.
Action: Approved recommendation.

7. **Dragonfly Preschool**
From: Councilmember Breland
Recommendation: That Council direct the City Manager to investigate the financial status and any assistance needed to keep the Dragonfly Preschool Program in the community and to include low-income residents, and report back by October 7th Council Meeting.

Action: Removed from Consent Calendar by Councilmember Olds. Moved, seconded, carried (Breland/Olds) to adopt the recommendation as amended to also request the City Manager to report back on October 7th or as soon as possible thereafter as to why the Preschool did not receive funding from the Housing Advisory Commission; how community welfare reform monies might be utilized; and a list of other preschools that might be eligible for welfare reform monies.

8. **Waiver of Fees for Youth Forum for West Berkeley Youth**
From: Councilmember Breland
Recommendation: Adopt a Resolution waiving fees for the rental of the James Kenny Recreation Center, providing for the taping of a film by BTV Channel 25, providing for staff support, and for all necessary permits; and directing the City Manager to find financial support for the West Berkeley Youth Forum sponsored by the West Berkeley Council Subcommittee.
Action: Adopted Resolution No. 59,158-N.S.

9. **25th Anniversary of Arts and Crafts Vendors on Telegraph**
From: Councilmember Worthington
Recommendation: That Council issue a proclamation at the September 16th City Council meeting in honor of the 25th Anniversary of the Arts and Crafts on Telegraph Avenue to be held on September 21, 1997.

Action: Removed from Consent Calendar by Councilmember Worthington. Moved, seconded, carried (Worthington/Spring) to approve recommendation. Proclamation presented by Councilmember Worthington.

Section G. Reports For Action

(a) From City Manager:

1. **Memorandum of Understanding for Fire Protection**

Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute a Memorandum of Understanding (MOU) with the cities of El Cerrito, Richmond, Kensington Fire Protection District, Contra Costa County Fire Protection District and the East Bay Regional Park Fire Department for the exchange of fire protection. Expense: None

Action: Moved to Consent Calendar by Councilmember Armstrong. Adopted **Resolution No. 59,159-N.S.**

2. **Air/Surface Easement at 1904 Sixth Street**

Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute an Easement Grant Deed with Rue-ell Enterprises for a ten-foot wide by 152-foot deep air/surface easement over the southerly portion of City-owned lot at 1904 Sixth Street. Revenue: \$16,000

Action: Withdrawn by the Deputy City Manager.

(b) From Mayor and Council:

1. **Interim Measures on the Use of Pepper Spray**

From: Councilmember Spring

Recommendation: That Council: 1) approve an interim policy that every time pepper spray is used by the Police Department, that the Officer involved will fill out a Use of Pepper Spray Report similar to the Use of Force Report presently in effect, and send to the Council and Police Review Commission within 7 days, 2) put seals on the triggers of the canisters, 3) no pepper spray will be used as crowd control by the Berkeley Police Department, 4) the City of Berkeley will investigate legal and other actions to be taken against UC Berkeley Police over abuse of pepper spray and other weapons, and 5) Council will view up to ten minutes of the video of UC Berkeley Police use of pepper spray on demonstrations for affirmative action at the September 16, 1997 Council meeting.

Actions: The video was shown.

Moved, seconded, carried (Maio/Spring) to approve an interim policy for City of Berkeley Police Department use of pepper spray to include: 1) Every time pepper spray is used by the Police Department a Use of Pepper Spray Report similar to the Use of Force Report presently in effect will be completed and sent through regular Police Department channels and to the Council and Police Review Commission; 2) the Report will be sent to the Council as an off-agenda report within seven days, 3) Seals will be put on the triggers of the canisters, 4) No pepper spray will be used as crowd control, and 5) The Police Chief will return to the Council with a report on all past and present uses of Pepper Spray.

Moved, seconded, carried (Maio/Spring) to 1) Ask the City Attorney to advise the Council on any legal actions Council might pursue as it relates to the University and University Police Department's actions to protect the students and their civil rights and any other effective actions the Council might take, and 2) The City continue working with the University of California at Berkeley to promote improved oversight and training to better equip the University Police to handle sensitive and volatile situations.

Moved, seconded, carried (Armstrong/Olds) to endorse the ASUC Bill in support of reforming the UC Police Review Board as presented by ASUC Senators at this meeting, and send a letter to the University officials informing them of Council's endorsement.

Section H. Reports For Information

- (a) From City Manager:
 - 1. **South Side Pedestrian Lighting Study (CR 97-53)**
Action: Received and filed.
 - 2. **Unsafe Bedroom Window Security Bars (CR 97-64)**
Action: Received and filed.
 - 3. **Survey Regarding Economic Impact of Smoking Ordinance (to be delivered)**
Action: Withdrawn by the City Manager.
- (c) From Others:
 - 1. **Notices of Decision for 2683 Le Conte Avenue and City Right-of-Way and Eastern Portion of Daley's Scenic Park District**
From: Landmarks Preservation Commission
Action: Councilmember Maio moved to Action. Received and filed.

Section I. Priority Items

- 1. **PRESENTATION ON ELECTRIC POWER SUPPLY OPTIONS**
 - a. City Manager Information Report

Action: Presentation made. Moved, seconded, carried (Maio/Worthington; Absent - Woolley) to adopt the following staff recommendations: 1) The City should not join the ABAG electric power purchase pool this year. This pool applies to electricity serving municipal facilities only. The team believes that greater savings may be available through other vehicles and that the relatively modest projected savings are offset by price uncertainty, administrative cost, metering costs, and advance payments. If Council decides

otherwise, it must act by September 16 or wait for another year; 2) The City should explore other options for electric power supply for municipal facilities. Those options should include participating in the State of California's power pool, pooling with another public agency(ies) or pooling with loads in the Berkeley community. The City should explore opportunities to include electricity generated from renewable resources into its supply contract(s). Staff will explore these options; 3) The City will need to change its procedures to collect revenues related to electricity sales pursuant to the utility users tax, franchise ordinance and business license tax. Staff are working on the new procedures; 4) The City should explore opportunities to increase competition for electric services within the community (not just for municipal facilities). Options range from encouraging private companies to market in Berkeley, to encouraging non-governmental buyers' groups to aggregating municipal and community loads for bulk power purchase. Staff intends to initiate a preliminary study of these options in 1998 after there is some experience with this new market.

2. **LIBRARY PROJECT UPDATE BY BOARD OF LIBRARY TRUSTEES**

Action: Presentation postponed at the request of the Library Board.

Section J. Communications

The following communications were read, noted and filed unless referred to the City Manager as noted:

1. Joan M. Torykian, P.O. Box 9267, regarding parking places at 2555 Virginia Street. **Referred by Breland.**
2. Patrick R. Craig, P.O. Box 545, regarding Parking Citation Center. **Referred by Breland, Maio, Spring, Woolley and Mayor Dean.**
3. Charles L. Smith, 61 San Mateo Road, regarding tall trees as a hazard in the City. **Referred by Shirek.**
4. Russell G. Clemens PhD EE, Caja 93 San Blas, Nayarit, Mexico, regarding the discontinuance of oil.
5. Damien Curry, 1815 Curtis Street, regarding commuters using Curtis, Delaware and Hearst Streets. **Referred by Maio.**
6. Emilie Keas, 2141 Virginia Street, regarding building units at under-market prices.
7. Bernard J. Finkle, 21 Kingston Road, regarding affordable homes to be built at 1320 and renovate at 1314 Haskell Street. **Referred by Breland.**
8. Charles V. Shank, Director, Lawrence Berkeley National Laboratory, regarding soil containing tritium. **Referred by Olds.**

9. Richard C. Atkinson, President, University of California, 300 Lakeside Drive, Oakland, regarding on-site burial of tritium waste at Lawrence Berkeley National Laboratory.
10. Deborah Walton, Richard Graham, Carol Jenkins and Ronaldo Beber, 2319, California Street, regarding Kragen Use Permit. **Referred by Breland and Mayor Dean.**
11. Anne Ireland, 10944 San Pablo Avenue, regarding Roisin McAliskey's release. **Referred by Breland.**
12. Communications regarding off-leash dog use from Doug Manson, 5228 Felicia Avenue, Livermore and Josie Lemon, 6429 Regent Street, Oakland. **Referred by Breland and Woolley.**
13. John Woodbury, Director and Matt Williams, Director, Alameda-Contra Costa Transit, 1600 Franklin, Oakland, regarding BART strike.
14. Ellen Marionthal, The Cutting Room, 2079 University Avenue, regarding Parole Office located on University Avenue. **Referred by Olds, Spring, Woolley and Mayor Dean.**
15. Sydney Twinshek, 1805 Bonita Avenue, regarding homeless people occupying Ohlone Park. **Referred by Breland, Maio and Spring.**
16. Jeff Issenberg, Program Coordinator, Friday Night Live, 39355 California Street, Fremont, regarding supporting Berkeley's Youth Commission's Youth Day Celebration.
17. Jeff Hobson, 2315A Russell Street, regarding 1320 Haskell Street. **Referred by Breland.**

Section K. Adjournment

Meeting adjourned at 10:50 p.m. in memory of Albert Perez, Jason Jenkins and Connie Barton.

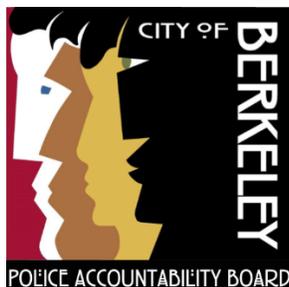
This is to certify that the foregoing is a true and correct copy of the minutes of September 16, 1997, as approved by the Berkeley City Council.

Attest:


City Clerk

Item 9.d.

ODPA Memorandum to the PAB Titled “Proposed Resolution Rescinding Resolution No. 51,408-N.S. Restricting the Use of Air Support and Canine Units and Updating Mutual Aid Policies”



MEMORANDUM

Date: February 6, 2026
 To: Honorable Members of the Police Accountability Board (PAB)
 From: Hansel A. Aguilar, Director of Police Accountability (DPA) *HA*
 Jose D. Murillo, Policy Analyst *JM*
 Subject: Proposed Resolution Rescinding Resolution No. 51,408-N.S. Restricting the Use of Air Support and Canine Units and Updating Mutual Aid Policies

This memorandum provides the PAB with an overview of Councilmember Kesarwani's proposal for the City Council to adopt a resolution rescinding Resolution No. 51,408-N.S.,¹ which limits the use of air support and canine units, and to update mutual aid policies, and also presents a recommendation for the PAB's consideration.

Recommended Action:

The PAB is being asked to provide input on two primary proposed changes:

1. Does the PAB support, oppose, or decline to comment on the proposed change to Resolution No. 51,408-N.S.,² which would replace the prior requirement for City Manager approval of helicopter use with an after-action notification to the City Manager?
2. Does the PAB support, oppose, or decline to comment on the proposed changes to the approved reasons for requesting helicopter assistance, which expand and revise the list of permissible uses?

Given the significant public interest in this item—evidenced by the 30 public speakers at the January 29, 2026 Public Safety Policy Committee (PSPC) special meeting—and the PAB's concurrent reviews, if the Board elects to take a position but requires additional time for review, it should formally and affirmatively request additional time from the PSPC

¹ Proposed Resolution Rescinding Resolution No. 51,408-N.S. Restricting the Use of Air Support and Canine Units and Updating Mutual Aid Policies: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2026-01-29%20Agenda%20Packet%20-%20Public%20Safety.pdf#Page=21>

² Resolution No. 51,408-N.S.: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2026-01-29%20Agenda%20Packet%20-%20Public%20Safety.pdf#Page=26>

to provide its input on the matter before its next meeting on February 19, 2026. The draft request is attached to this memorandum.

Background:

On July 15, 1982, the Berkeley City Council adopted Resolution No. 51,408-N.S.,³ which restricted the deployment of helicopters and canine units to narrowly defined circumstances. The resolution required the Berkeley Police Department (BPD) to obtain approval from the City Manager, in emergency situations when the City Manager was not immediately available, from the Chief of Police before requesting air support or canine assistance. It also limited their use to specific, enumerated situations.

With respect to canine units, the resolution authorized only three permissible uses. First, canines could be used to apprehend suspects when there was a threat to human life, the suspect was reasonably believed to be armed with a deadly weapon, and the suspect was located in a controlled and contained area with no known occupants other than the suspect. Second, canines could be used to locate missing persons. Third, they could be used to locate crime scenes. The resolution expressly prohibited the use of canine units for crowd control.

Similarly, the use of helicopters from other law enforcement agencies was limited to three circumstances: to assist in the event of a disaster; to support rescue efforts, explicitly excluding hostage rescues; and to aid in locating missing persons.

In the July 22, 2025 update to BPD's Memorandums of Understanding (MOU) compendium,⁴ Section 6.8, Use of Police Canines and Helicopters, was removed because the subject matter is addressed in BPD Policies 308⁵ and 418⁶ and Resolution No. 51,408-N.S. BPD Policy 308 establishes guidelines for the use of canines to augment police services to the community, including, but not limited to, locating missing or at-risk individuals and apprehending criminal offenders. The policy sets forth standards for apprehension, deployment preparation, and other authorized uses, such as bomb and explosive detection.

³ July 15, 1982 Berkeley City Council Regular Meeting Minutes:

<https://records.cityofberkeley.info/PublicAccess/api/Document/AdAxwciViX5vOcjMnArOhzEb%C3%89xMyvaCJ%C3%81SF0Fq1XBYTvp5YYLDDwh8UTiGY5wy3VIXTNZ2vWHmbzTND0HBvwS3s%3D/>

⁴ July 22, 2025 Public Hearing: Memorandum of Understanding (MOU) Compendium: Agreements with Other Law Enforcement Agencies and Private Organizations: <https://berkeleyca.gov/sites/default/files/documents/2025-07-22%20Item%2016%20Memorandum%20of%20Understanding%20%28MOU%29%20Compendium.pdf>

⁵ BPD Policy 308, Canines:

https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=119

⁶ BPD Policy 418, Obtaining Air Support:

https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=411

Similarly, BPD Policy 418 provides guidance on the use of air support, including the process for requesting assistance from another agency’s helicopter and the circumstances under which such assistance may be requested.

At the January 29, 2026 Public Safety Policy Committee special meeting, 30 speakers expressed concerns regarding the proposal.⁷ Due to time constraints, not all members of the public in attendance were able to provide comment that day. However, there was strong public interest in participating in the discussion, which was continued to the PSPC meeting scheduled for February 19, 2026.

Proposed Resolution vs. Resolution No. 51,408-N.S.

The table below compares the proposed resolution to the existing Resolution No. 51,408 N.S. and shows that the primary changes concern the approval process for requesting helicopter and canine use and the circumstances under which helicopter assistance may be requested through mutual aid agreements.

	Resolution No. 51,408-N.S.	Proposed Resolution
Is Prior Approval Needed for Use?	Yes, City Manager or upon approval of the Chief of Police in emergency situations where the City Manager is not immediately available.	No, the former requirement for advanced approval by the City Manager would be replaced with an after-action notification to the City Manager.
Approved Reasons for Request of Helicopters	<ul style="list-style-type: none"> • To assist in case of a disaster • To assist in rescue efforts (specifically excluding the rescue of hostages) • To assist in locating missing persons 	<ul style="list-style-type: none"> • Activation under existing mutual aid agreements • Support during incidents that place officers at risk when an aerial presence can reduce the danger • Assistance in pursuing a fleeing felony suspect whose continued flight threatens the community • Searches for missing or lost individuals whose absence creates a serious hazard • Vehicle pursuits where aircraft can safely assist tracking or coordination
Approved Reason for Request of Canine Units	<ul style="list-style-type: none"> • To apprehend suspects <ul style="list-style-type: none"> ○ Where there is a threat to human life 	Remains unchanged.

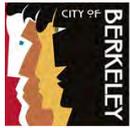
⁷ January 29, 2026 PSPC Special Meeting Minutes: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2026-01-29%20Annotated%20Agenda%20Public%20Safety.pdf>

	<ul style="list-style-type: none"> ○ Where the suspect is reasonably believed to be armed with a deadly weapon ○ Where the suspect is in a controlled, contained area and there are no known occupants of the area other than the suspect <ul style="list-style-type: none"> ● To locate missing persons ● To locate crime scenes ● Explicitly prohibited for use in crowd control. 	
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As shown in the table above, the most significant shift occurs in how helicopter assistance is addressed. The previously permissible uses of helicopter assistance were limited to clearly defined humanitarian and emergency purposes, including disaster response, rescue efforts excluding hostage situations, and locating missing persons. The proposed resolution does not formally replace these uses but reframes and narrows them by incorporating them implicitly into broader, risk-based categories, such as mutual aid activation and searches for missing individuals only when their absence poses a serious hazard. At the same time, the proposal introduces new, explicitly enforcement-oriented justifications, including felony suspect pursuits, vehicle chases, and deployments intended to reduce risk to officers, that go beyond the scope of the earlier permissions. Taken together, the proposed resolution reflects a shift in emphasis from primarily emergency assistance toward authorizing helicopter use as a tactical law enforcement tool, should it be adopted.

Attachments:

1. Materials Presented by Councilmember Kesarwani Regarding the Proposed Resolution Rescinding Resolution No. 51,408-N.S. Restricting the Use of Air Support and Canine Units and Updating Mutual Aid Policies
2. Draft Letter to the PSPC with the Subject Line “Request for additional time to provide PAB input on “Resolution Rescinding Resolution No. 51,408-N.S. Restricting the Use of Air Support and Canine Units and Updating Mutual Aid Policies”



Rashi Kesarwani
Councilmember District 1

CONSENT CALENDAR
December 2, 2025

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Resolution Rescinding Resolution No. 51,408-N.S.
Restricting the Use of Air Support and Canine Units
And Updating Mutual Aid Policies

RECOMMENDATION

Adopt a resolution to rescind Resolution No. 51,408-N.S. which currently restricts the use of helicopters and police canine units by the Berkeley Police Department (BPD) and to update policies authorizing BPD to deploy these resources through mutual aid agreements directly with external agencies. The revised policy framework will replace the prior requirement for City Manager approval with post-deployment notification, ensuring rapid and effective responses during critical incidents. The policy will continue to explicitly prohibit the use of canines for crowd control.

CURRENT SITUATION AND ITS EFFECTS

Resolution No. 51,408-N.S., passed on July 15, 1982, imposes restrictions on deploying helicopters and canine units that function as essential support during high-risk emergencies. Per this resolution, mutual aid in the form of helicopter and canine unit deployment can only be used during high-risk situations. The resolution notes that police use of dogs from other law enforcement agencies is permitted only under the following circumstances:

- To apprehend suspects:
 - Where there is a threat to human life;
 - Where the suspect is reasonably believed to be armed with a deadly weapon; and
 - Where the suspect is in a controlled, contained area and there are no known occupants of the area other than the suspect.
- To locate missing persons;
- To locate crimes scenes;
- Provided that the use of dogs is explicitly prohibited for use in crowd control.

The resolution also notes that police use of helicopters from other law enforcement agencies is permitted in locating missing persons. This item proposes allowing the following uses for air support, in line with Lexipol policy recommendations:

- When the helicopter is activated under existing mutual aid agreements;
- Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard;
- When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community;
- When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard; and
- Vehicle pursuits.

The 1982 resolution also requires the pre-approval of the City Manager which imposes a time-intensive effort during emergency situations.¹ Limiting the department's ability to quickly deploy both helicopters and canine units hinders response times and reduces operational flexibility. This limitation can compromise both the public and officer safety by preventing rapid access to resources that could significantly enhance situational awareness of the high-risk incident and on-scene effectiveness.

BACKGROUND

Resolution No. 51,408-N.S. was originally enacted in 1982 to curb potential police overreach; it no longer reflects modern law enforcement practices. Today, mutual aid agreements with external agencies providing access to helicopters and police canine units are standard across many jurisdictions and do not require additional time-intensive approval processes. These resources offer real-time situational awareness, safer monitoring of dynamic incidents, non-lethal suspect apprehension, and enhanced capabilities in search and rescue operations.

PROPOSED CHANGES AND RATIONALE FOR RECOMMENDATION

Resolution No. 51,408-N.S. is recommended for rescission so BPD can more effectively and quickly address high-risk situations using appropriate mutual aid tools. By updating our policies to allow the department to directly deploy these tools we will be aligning ourselves with regional mutual aid best practices and industry standards as well as aligning with our own recently updated agreements with other law enforcement agencies passed on July 22 earlier this year.² Rescission of this resolution will replace the outdated requirement for prior City Manager approval with a post-deployment notification. Rescinding the existing ordinance will remove barriers that delay the deployment of vital resources in emergencies. Mutual aid

¹ See attachment 2, Resolution No. 51,408-N.S. as found in the annotated agenda from the July 15, 1982 City Council meeting.

² July 22, 2025 Public Hearing: Memorandum of Understanding (MOU) Compendium: Agreements with Other Law Enforcement Agencies and Private Organizations;
<https://berkeleyca.gov/sites/default/files/documents/2025-07-22%20Item%2016%20Memorandum%20of%20Understanding%20%28MOU%29%20Compendium.pdf>

arrangements are widely recognized as an effective means of enhancing public and officer safety by providing rapid access to aerial and canine support. Updating the policy will not only modernize Berkeley's law enforcement capabilities but also ensure that resource deployment is carried out with greater efficiency, transparency, and adherence to current industry standards.

FISCAL IMPACTS

No significant new expenditures are expected from this rescission. Any costs incurred for mutual aid support will be managed through established reimbursement agreements. The policy revision is anticipated to deliver operational benefits without imposing undue financial burden on the City.

CONTACT PERSON

Rashi Kesarwani, Councilmember, District 1

(510) 981-7110

ATTACHMENTS

- 1) Resolution
- 2) Resolution No. 51,408-N.S.

RESOLUTION NO. ##,###-N.S.
RESOLUTION MODERNIZING AIR AND CANINE SUPPORT MUTUAL AID
POLICIES

WHEREAS, the Berkeley City Council recognizes that Ordinance Resolution No. 51,408-N.S.- adopted in 1982 imposes outdated restrictions that delay the timely deployment of air support and police canine units during critical law enforcement operations; and

WHEREAS, these restrictions hinder the Berkeley Police Department's ability to secure essential resources in high-risk incidents, thereby reducing operational flexibility and potentially compromising public and officer safety; and

WHEREAS, mutual aid agreements with external agencies providing access to helicopter support as well as police canine units are now standard practice nationwide, enhancing situational awareness, effective suspect apprehension, and search-and-rescue capabilities; and

WHEREAS, replacing the existing requirement for prior City Manager approval with post-deployment notification will facilitate rapid response during emergencies while ensuring accountability through comprehensive documentation and annual reporting;

NOW, THEREFORE, BE IT RESOLVED BY THE BERKELEY CITY COUNCIL
THAT:

1. Resolution No. 51,408-N.S. is rescinded in full. All prior limits on the use of outside air support and police canine units are nullified.
2. The Berkeley Police Department may request and deploy canine teams from external agencies for the following purposes:
 - a. To apprehend suspects:
 - i. Where there is a threat to human life
 - ii. Where the suspect is reasonably believed to be armed with a deadly weapon, and
 - iii. Where the suspect is in a controlled, contained area and there are no known occupants of the area other than the suspect.
 - b. To locate missing persons
 - c. To locate crimes scenes
 - d. Provided that the use of dogs is explicitly prohibited for use in crowd control.
3. The Berkeley Police Department may request and deploy helicopter assistance from external agencies for any of the following purposes:
 - a. Activation under existing mutual aid agreements.
 - b. Support during incidents that place officers at risk when an aerial presence can reduce the danger.
 - c. Assistance in pursuing a fleeing felony suspect whose continued flight threatens the community.
 - d. Searches for missing or lost individuals whose absence creates a serious hazard.
 - e. Vehicle pursuits where aircraft can safely assist tracking or coordination.

4. The Berkeley Police Department may enter into and use mutual aid partnerships with outside agencies for all air support and canine deployments described in this resolution.
5. The former requirement for advance approval by the City Manager is replaced. After each deployment of outside air or canine support, the Chief of Police or a designee shall notify the City Manager as soon as practical.

Page 6 of 7

RESOLUTION NO. 51,408 -N.S.

ESTABLISHING POLICIES FOR USE OF DOGS AND HELICOPTERS BY THE POLICE DEPARTMENT OF THE CITY OF BERKELEY, AND RESCINDING THE PROVISIONS OF RESOLUTION NO. 48,630-N.S. AS THEY APPLY TO THE USE OF DOGS AND HELICOPTERS.

BE IT RESOLVED by the Council of the City of Berkeley as follows:

That the following policies for use of dogs and helicopters by the Police Department of the City of Berkeley are hereby established:

1. Police use of dogs from other law enforcement agencies is permitted upon approval of the City Manager (or upon approval of the Chief of Police in emergency situations when the City Manager is not immediately available) in the following circumstances:

a. To apprehend suspects

(1) Where there is a threat to human life, and

(2) Where the suspect is reasonably believed to be armed with a deadly weapon, and

(3) Where the suspect is in a controlled, contained area and there are no known occupants of the area other than the suspect; or

b. To locate missing persons; or

c. To locate crime scenes.

Provided, however, that the use of dogs is explicitly prohibited for use in crowd control.

2. Police use of helicopters from other law enforcement agencies is permitted upon approval of the City Manager (or upon approval of the Chief of Police in emergency situations when the City Manager is not immediately available) in the following circumstances:

a. To assist in case of a disaster; or

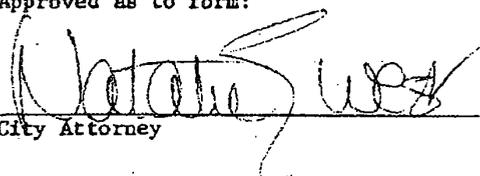
b. To assist in rescue efforts (specifically excluding the rescue of hostages); or

1.

c. To assist in locating missing persons.

FURTHER, RESOLVED, that the provisions of Resolution No. 48,630-N.S. as they apply to the use of dogs and helicopters are hereby rescinded.

Approved as to form:



City Attorney

Draft Letter to the Public Safety Policy Committee Titled “Request for additional time to provide PAB input on “Resolution Rescinding Resolution No. 51,408-N.S. Restricting the Use of Air Support and Canine Units and Updating Mutual Aid Policies””



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

February 6, 2026

VIA ELECTRONIC MAIL [Email]

Hon. Members of the Public Safety Policy Committee
PolicyCommittee@berkeleyca.gov
2180 Milvia Street
Berkeley, California 94704

Re: Request for additional time to provide PAB input on “Resolution Rescinding Resolution No. 51,408-N.S. Restricting the Use of Air Support and Canine Units and Updating Mutual Aid Policies”

Chair Blackaby and Members of the Public Safety Policy Committee:

On behalf of the Police Accountability Board (PAB), I write to express our interest in reviewing and providing input on the item titled “Resolution Rescinding Resolution No. 51,408-N.S. Restricting the Use of Air Support and Canine Units and Updating Mutual Aid Policies.” The PAB recognizes the importance of this matter and appreciates the Committee’s continued work on public safety policy issues that carry significant operational, community, and accountability implications.

At this time, the PAB respectfully requests sufficient time to review the proposal and provide meaningful input before the item proceeds to the full City Council. As you know, and consistent with the Public Safety Policy Committee Chair’s stated priorities for the PAB’s workplan, the PAB is currently focusing its limited meeting capacity on larger, time-sensitive policy items—particularly the drone policy, which is expected to advance to full Council consideration in March. Given that workload and timeline, and recent departures of tenured members, immediate consideration of the air support/canine and mutual aid rescission item would limit the PAB’s ability to evaluate the proposal with the level of care and public transparency this topic warrants.

Accordingly, the PAB respectfully requests that the Committee defer any action that would advance this item to the full Council and allow the PAB time to:

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

1. review the proposed changes in context;
2. consult available documentation and relevant stakeholders as appropriate; and
3. provide formal, public input for the Committee's consideration.

The PAB believes that a short deferral will strengthen the policy-making process, improve the quality of the record before Council, and ensure that oversight perspectives are integrated in a manner consistent with Berkeley's accountability framework.

Thank you for your consideration and for your partnership. The PAB is prepared to coordinate with Committee staff to identify a workable timeframe for review and to provide input promptly once the drone policy milestone has been addressed.

Respectfully submitted,

Joshua Cayetano, Chair
Police Accountability Board

Item 9.e.

ODPA Memorandum to the PAB Titled “Notice of Policy Complaint No.
2025-PR-0007”



MEMORANDUM

Date: February 6, 2026
 To: Honorable Members of the Police Accountability Board (PAB)
 From: Hansel A. Aguilar, Director of Police Accountability (DPA) *HAA*
 Jose D. Murillo, Policy Analyst *JM*
 Subject: Notice of Policy Complaint No. 2025-PR-0007

The purpose of this memorandum is to introduce Policy Complaint Number 2025-PR-0007 to the Police Accountability Board (PAB) as required by Section G of the PAB's Standing Rules.¹

Recommended Action:

The ODPa advises the PAB not to accept the policy complaint at this time. This recommendation is based on the following considerations:

1. **Existing Policy Coverage:** Based on the concerns described by the community member, the issue raised is already governed and addressed by existing BPD policy.
2. **No immediate Pattern or Practice Identified:** Only one incident involving the use of cellular phones while driving has been brought to the PAB's attention. While the ODPa cannot confirm whether additional incidents exist, there is no immediate or identifiable data indicating a pattern or practice at this time.
3. **Limited Board Resources:** Considering existing commitments and staffing constraints, the PAB is not positioned to take on this policy review request.

Background:

On November 19, 2025, a community member submitted a policy review request via the ODPa complaint portal, including a photograph and brief statement (Attachment 1). The complainant reported observing a police officer at a stoplight with both hands off the

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

steering wheel while using a phone. In response to the question regarding proposed changes to BPD policy, the complainant stated:

"To follow the laws enforced upon everyday civilians. Just because they are technically exempt does not justify unsafe actions, as both the driver and passenger were using their phones in the police vehicle."

ODPA staff made multiple attempts to contact the complainant by email and telephone to obtain additional information. Consistent with the ODPA’s standard intake procedures prior to presentation to the PAB, staff contacts community members to confirm their intent to submit a policy review and to verify that the submission is not intended as a personnel complaint. These contact attempts were made on the following dates:

Date	Details of Communication Attempt
12-5-2025	Staff reached out to the community member, but they were unavailable to discuss the matter.
12-5-2025	Staff followed up with the community member via email to provide additional information, clarify the type of complaint they intended to submit, and share BPD’s policy on the use of mobile devices while operating a vehicle. The community member did not respond to the email.
12-9-2025	Staff reached out to the community member to follow up on prior correspondence and earlier contact attempts but was unable to make contact. A voicemail requesting a return call was left; as of January 28, 2026, no response had been received.
01-28-2026	Staff made one final attempt to contact the community member who answered the call. The community member stated that the matter could pursue as a policy review request instead of a personnel complaint.

After confirming that the community member wanted to pursue the matter as a policy review, ODPA staff prepared the policy review form for presentation at the PAB’s February 11, 2026 meeting.

Potential Area(s) of Review:

BPD Policy 701, Personal Communication Devices, regulates officers' use of mobile telephones and other communication devices. The policy permits limited use of personal communication devices while driving but expressly recognizes the associated safety risks, potential distractions, and negative public perception. Officers operating authorized emergency vehicles are expected to restrict device use to urgent matters and, where practicable, stop the vehicle before use. Officers operating non-emergency department vehicles are prohibited from using personal communication devices while driving unless the device is configured for hands-free operation. The policy allows the use of wireless phones to place emergency calls in accordance with Vehicle Code sections 23123 and 23123.5 and limits hands-free use to business-related or urgent communications.

Alternative Actions:

Upon receiving a policy complaint, the Board can choose from several potential courses of action², which including:

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

Attachments:

1. Policy Complaint 2025-PR-0007 with submitted attachments.

² Section G(3)(a) "Policy Complaints and Reviews" of the PAB's Standing Rules:
https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf

Policy/Practice/Procedure Form



Tracking Number ODPa-251120-290305

Created by [REDACTED] | November 19, 2025 | Original version

Personal Information

Basic Information

Email [REDACTED]

First Name [REDACTED]

Last Name [REDACTED]

Phone [REDACTED]

File Anonymously Not Specified

Work Telephone [REDACTED]

Mailing Address

Street name [REDACTED]

Apt/Unit [REDACTED]

State [REDACTED]

City [REDACTED]

Zip Code [REDACTED]

Occupation [REDACTED]

Demographics

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

Date of Birth [REDACTED]

Ethnicity Not Hispanic or Latinx

Race White

Gender Male

Incident Details

Statement

Witnessed a police officer at a stoplight with both hands off the wheel and on his phone which had his full attention.

Location of Incident (if applicable) The intersection of Shattuck Ave and Hearst Ave, right in front of the Mendocino Farms.

Date of Incident (if applicable) November 19, 2025

Time of Incident (if applicable) 04:32 PM

What changes to BPD policy, practice, or procedure do you propose? To follow the laws enforced upon every day civilians. Just because they are technically exempt doesn't mean it validates unsafe action as both the driver and passenger were both on their phones in the police Truck.

Additional Information

Use this space for any additional information you wish to provide about your complaint. (Or, attach relevant documentation you believe will be useful to the Police Accountability Board in evaluating your complaint.) See picture below for photo of the event.

Upload Document 1 file(s) uploaded

Incident External Links

Not Specified

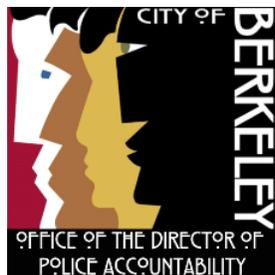
How Did You Hear About Us

SEARCH ENGINE



Item 9.f.

ODPA Memorandum to the PAB Titled “2026 Workplan Focused on S3 Partnership + Core Oversight Obligations”



MEMORANDUM

Date: February 6, 2026
 To: Honorable Members of the Police Accountability Board (PAB)
 From: Hansel A. Aguilar, Director of Police Accountability (DPA) *HA*
 Subject: 2026 Workplan Focused on S3 Partnership + Core Oversight Obligations

Background:

Last year, ODP/PA/PAB advanced an ambitious 2025 workplan during a period of stronger staffing and fuller Board membership. Since then, ODP/PA's capacity has materially changed due to an ongoing hiring freeze and current staffing and Board vacancies.

At this time, ODP/PA is actively engaged in a formal partnership with Berkeley Haas Social Sector Solutions to develop (1) a sustainable outreach plan and (2) a longitudinal public safety and oversight perception survey over the next four months.

The engagement is specifically designed to produce an evidence-based outreach program aligned with Charter and ballot mandates, and a survey framework/instrument that ODP/PA can deploy later.

- Workstream 1 (Outreach Strategy) includes stakeholder interviews (10–12), assessment of current outreach, analysis of available complaint/participation/demographic context, peer city benchmarking, and a best-practices synthesis.
- Workstream 2 (Longitudinal Survey) includes establishing objectives and survey architecture, producing a measurement framework and methodology memo, developing a field-ready survey instrument with testing and documentation, and delivering an implementation roadmap—with no survey deployment occurring during the project.

Separately, ODP/PA has standing Charter obligations, including the annual report requirement under Section 125(16), which must be approved by the Board prior to being presented to City Council.

Purpose:

This memo presents a hyper-conservative 2026 ODP/PA workplan that:

1. Prioritizes enabling the S3 partnership deliverables (so ODPa/PAB can execute a sustainable outreach and measurement approach), and
2. Maintains core oversight and recurring obligations at a “keep-the-lights-on” level, and
3. Incorporates a limited set of predictable outreach anchors (Black History Month, Juneteenth, Hispanic Heritage Month), with additional outreach explored only if bandwidth permits.

Current Capacity Assumptions (Planning Baseline)

- **ODPA staffing:** 4 of 6 positions filled (Director, 1 Investigator, 1 Data Analyst, 1 Policy Analyst).
- **Board staffing:** 4 of 9 seats filled.
- **Resource posture:** Prioritize mandated work and the S3 partnership; defer discretionary projects unless capacity increases.

Proposed Hyper-Conservative 2025 Workplan

Priority Workstream A — Execute the S3 Partnership (Primary “Center of Gravity”)

A1. Governance & cadence

- Single ODPa point of contact: Director (backup: Policy Analyst).
- Standing weekly check-in with S3 team lead (or designee structure) consistent with the engagement’s working arrangement.

A2. Workstream 1: Outreach Strategy — ODPa/PAB support tasks

ODPA/PAB will support S3 by:

- Coordinating the 10–12 stakeholder interviews (targeted scheduling support; avoid expanding scope).
- Providing existing outreach materials/channels and facilitating access to available data needed for S3’s assessment and community-needs analysis.
- Participating in two structured review points only:
 - Midterm Review: receive S3 findings (interviews + benchmarking + best practices).
 - Final Deliverables: receive the strategic outreach plan + implementation guidelines (including draft partner MOU template).

A3. Workstream 2: Longitudinal Survey — design now; deploy later

ODPA/PAB will support survey development by:

- Participating in a single structured objectives session to define the survey's primary objectives/topic areas and longitudinal intent.
- Reviewing S3's measurement framework and methodology recommendations (equity/accessibility/data privacy considerations).
- Receiving the final survey instrument and supporting documentation for future deployment, recognizing the engagement scope states no deployment during this project.

Priority Workstream B — Core Oversight Operations (Maintenance Mode)

B1. Investigations and casework (continuous)

- Protect investigator time for priority investigations and required case actions.
- Weekly internal triage to manage intake and deadlines.

B2. PAB meeting support (continuous; scaled)

- Focus agendas on:
 - Required items,
 - S3 checkpoints (midterm/final),
 - Essential oversight actions.
- Avoid launching new major initiatives that require standing subcommittees or heavy staff drafting.

B3. Annual Report (required)

ODPA will maintain a streamlined annual report workplan consistent with Section 125(16), including Board review/approval prior to Council submission. The existing annual report workflow (outline → detailed outline → draft → final submission) remains the baseline approach.

Priority Workstream C — Outreach & Public Education (Minimum Viable Commitments)

All outreach will be aligned to (and not in conflict with) S3's outreach strategy as it is developed.

C1. Anchor outreach moments (commit now)

- Black History Month (February): one presence/engagement activity + basic ODPa/PAB informational collateral.
- Juneteenth (June): one presence/engagement activity; collect sign-ups/contacts for future outreach and the eventual survey deployment phase.
- Hispanic Heritage Month (Sept 15–Oct 15): one presence/engagement activity; bilingual collateral as feasible.

C2. Additional outreach

- Additional outreach events will be explored opportunistically and scheduled only when bandwidth and resources permit, without compromising investigations, the annual report, or S3 deliverables.

Roles & Accountability (so this stays executable)

- Director: S3 relationship owner; Board alignment; final sign-offs; external coordination.
- Policy Analyst: outreach collateral + anchor event logistics; S3 deliverable intake; board memo drafting for checkpoints.
- Data Analyst: data support for S3 needs; baseline metrics; annual report data tables as feasible.
- Investigator: protected investigative workload; limited consult on survey/outreach questions impacting complaint processes.

Decision Gates (to keep the plan conservative and realistic)

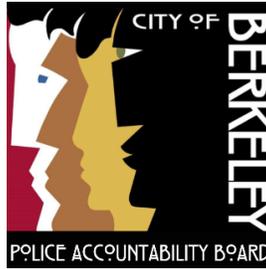
1. If the hiring freeze continues into the next fiscal cycle: maintain this scope; do not add new major initiatives beyond A–C.
2. If staffing and/or Board membership increases: add one expansion item at a time (e.g., survey deployment pilot or one discrete policy review), based on a Board-approved consulted statement and realistic staff-hour estimate.

Recommended Board Action

1. Consider informing Council of how budget cuts and PAB vacancies impact work.
2. If necessary conduct follow-up with PAB's Budget and Metrics committee.
3. Consider aligning PAB workplans based on resources constraints.

Off-Agenda 1
Policy Review Status Updates

Updated February 6, 2026



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 February 6, 2026, the Police Accountability Board (PAB) has six (6) open policy reviews.

Policy Review Number	2023-PR-0007 ²
Policy Topic	Restraining Orders & Interactions with the Elderly
Relevant Policy	BPD Policy 313 "Senior and Disability Victimization" BPD Policy 430 "Civil Disputes"
Status	Review In Progress; Records Obtained
Date Presented to the PAB	7/24/2024
Anticipated Completion	February 2026
Assigned To	ODPA

Summary

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

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

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

Updated February 6, 2026

encounters and existing orders, the complainant reports continued issues with enforcement.

Activity Report

ODPA staff is finalizing the report and is slated for presentation at a forthcoming 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 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

Updated February 6, 2026

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

Updated February 6, 2026

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.

Updated February 6, 2026

The following policy reviews have been temporarily suspended and will be reconsidered at a future date:

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

Off-Agenda 2

Legislative Updates Relevant to the PAB's Work



MEMORANDUM

Date: February 6, 2026
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 deadline for introducing new bills in California is February 20, 2026. As of now, no new bills related to the PAB have been introduced. The following bills passed in 2025 and went into effect on January 1, 2026:

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>AB 572 “Criminal Procedure: Interrogations”</u>	<i>(Passed) 2025-10-13 - Chaptered by Secretary of State - Chapter 697, Statutes of 2025.</i>	AB 752 required law enforcement officers to clearly identify themselves and provide specified information before interviewing family members of individuals who have been killed or seriously injured by police.

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

<p><u>AB1178</u> <u>“Peace Officers: Confidentiality of Records”</u></p>	<p><i>(Passed) 2025-10-11</i> <i>- Chaptered by Secretary of State - Chapter 635, Statutes of 2025.</i></p>	<p>This bill expands redaction requirements under the California Public Records Act, requiring law enforcement agencies to remove identifying details of undercover officers, task force members, and those with verified death threats. It imposes a state-mandated local program and includes legislative findings justifying access limitations.</p>
<p><u>AB1388 “Law enforcement: settlement agreements.”</u></p>	<p><i>(Passed) 2025-10-13</i> <i>- Chaptered by Secretary of State - Chapter 729, Statutes of 2025.</i></p>	<p>AB 1388 aims to enhance transparency in law enforcement by prohibiting agencies from entering into nondisclosure agreements regarding police misconduct.</p>
<p><u>SB707 “Open Meetings: Meeting and teleconference requirements”</u></p>	<p><i>(Passed) 2025-10-03</i> <i>- Chaptered by Secretary of State. Chapter 327, Statutes of 2025.</i></p>	<p>SB 707 expands public meeting access by requiring remote participation, interpretation services, and multilingual agendas for local government bodies until 2030. It revises teleconferencing rules and extends provisions for emergencies and just cause absences.</p>
<p><u>SB-627 “Law enforcement: masks.”</u></p>	<p><i>(Passed) 2025-09-20</i> <i>- Chaptered by Secretary of State. Chapter 125, Statutes of 2025.</i></p>	<p>SB 627 would make it a misdemeanor for law enforcement officers to wear masks or personal disguises while interacting with the public, with certain exceptions, and expresses intent to allow protective gear for SWAT officers and require visible identification on uniforms.</p>
<p><u>SB524 “Law Enforcement Agencies: Artificial Intelligence”</u></p>	<p><i>(Passed) 2025-10-10</i> <i>- Chaptered by Secretary of State. Chapter 587, Statutes of 2025.</i></p>	<p>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.</p>
<p><u>AB487 “Peace officers: confidentiality of records.”</u></p>	<p><i>(Passed) 2025-10-06</i> <i>- Chaptered by Secretary of State - Chapter 383, Statutes of 2025.</i></p>	<p>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 investigations, while requiring these</p>

		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> . ODPa staff will continuously monitor new legislation and update the PAB throughout the year.

The BPD’s Policy and Training Bureau issues an annual legislative update that summarizes legal changes impacting law enforcement. Unless stated otherwise, the changes outlined in the updates took effect in January of the corresponding year. The following BPD Policies include the legislative updates for 2025 and 2026.

SOURCE	LINK
BPD Policy 1506 “2025 Legislative Update”	https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=1041
BPD Policy 1507 “2026 Legislative & Case Law Update”	Public link not yet available as of 2/6/2026.
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 policies have been updated on Lexipol since the PAB’s January 7, 2026, meeting:

Policy	Date Implemented	Description
BPD 1507 “2026 Legislative & Case Law Update”	1/27/2026	New policy. This policy is intended to serve as a general summary of legal changes that pertain to law enforcement and is not meant to

		cover every legislative change enacted in 2025.
BPD Policy 1044 “Visible Display of Identification”	1/27/2026	New policy. The purpose of this policy is to provide guidelines for all peace officers to be readily identifiable to the public by the visible display of the department name and individual identifying information when performing enforcement duties, except in described limited specific circumstances (Government Code Section 7288)

Berkeley City Council & Council Committee Meeting Updates

The following items are under consideration by the City Council or its committees and are relevant to the PAB:

Upcoming City Council Meetings

February 9, 2026, Agenda and Rules Committee Meeting

These following items are being proposed for inclusion at the Council’s February 24th Regular Meeting:

Item No.	Title	Recommendation
11	Contract No. 32500221 Amendment: Stommel Inc. dba Lehr for Hybrid Police Patrol Vehicle Supplies, Equipment, and Installation Services	Adopt a resolution authorizing the City Manager to execute an amendment to the contract with Stommel Inc., dba Lehr for Hybrid Police Patrol vehicle supplies, equipment, and installation services. This amendment increases the contract amount by \$125,000, for a new total amount not to exceed \$525,000, and extends the contract term until December 15, 2027.
18	The Berkeley Rule: Artificial Intelligence Municipal Framework (Reviewed by the Health, Life Enrichment, Equity and Community Committee)	<ol style="list-style-type: none"> 1. Adopt a resolution affirming Berkeley’s commitment to innovation in service of liberty, dignity, and the public good. 2. Endorsement of The Berkeley Rule. The City hereby endorses The Berkeley Rule

Public

		and encourages City staff, commissions, and community partners to consider its ten principles in the planning, evaluation, and oversight of artificial intelligence systems.
21	City of Berkeley’s 2026 State and Federal Legislative Platform	Adopt a resolution approving the City of Berkeley’s 2026 State and Federal Legislative Platform.
25 (Informational Report)	A Guide to Measuring Performance in the City of Berkeley	Various recommendations from the City Auditor.

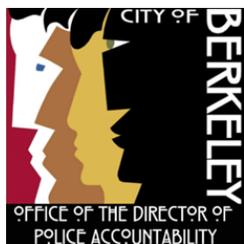
February 10, 2026 City Council Special Meeting

Item No.	Title	Recommendation
1	2026 City Council Referral Prioritization Results Using Re-Weighted Range Voting (RRV)	Review the completed Re-Weighted Range Voting (RRV) rankings for all outstanding City Council referrals and adopt a Resolution approving the list of prioritized referrals to city staff.

February 10, 2026 City Council Regular Meeting

Item No.	Title	Recommendation
Consent Item 5	Rescission and replacement of the Police Equipment and Community Safety Ordinance	Adopt second reading of Ordinance No. 8,001-N.S. to rescind and replace Ordinance 7760-N.S. the Police Equipment and Community Safety Ordinance (enacted May 11, 2021)

Off-Agenda 3
List of Pending PAB Request



MEMORANDUM

Date: January 29, 2026
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 - Jan 2026)

This memorandum summarizes nine requests that remain active made by the Police Accountability Board (PAB) during seven meetings held between January 8, 2025, and January 21, 2026. All requests were made during Regular Meetings. The distribution of requests by stakeholders is as follows: Nine requests were directed to the Office of the Director of Police Accountability (ODPA), Four to the Berkeley Police Department (BPD), 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 – Jan 2026)

No.	Meeting Date/Link	Request to	Request (Time Stamp)	Status/Note
1	1/8/2025 PAB Regular Meeting Recording: https://youtu.be/56WiTDQB_jo?si=Go90zuEmVgEhNRjH 1/8/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%202025-01-08%20Regular%20MeetingMinutes.pdf	ODPA, BPD	The PAB requested that staff collaborate with the Berkeley Police Department prior to establishing a public-facing webpage containing information on Restraining Orders and related resources. (1:20:33 - 1:21:30)	Open - This request is still active.

<p>2</p>	<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>	<p>ODPA</p>	<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>
<p>3</p>	<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>	<p>ODPA, BPD, CAO</p>	<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) (44:14 – 45:35)</p>	<p>Open – ODPA Staff will work with other stakeholders once all materials have been finalized.</p>
<p>4</p>	<p>9/17/2025 PAB Regular Meeting Recording: https://youtu.be/foxCSOZ-gX0?si=nluyj5bY1qiNBdsD</p> <p>9/17/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-09-17%20Regular%20Meeting%20Draft%20Minutes.pdf</p>	<p>ODPA</p>	<p>The PAB requests that ODPA staff coordinate with community member to place a future agenda item on the Specialized Care Unit (SCU) transition to County oversight and invite a County representative to participate via phone or Zoom. (16:15-17:58)</p>	<p>Open – This request is still active.</p>

	ative-body-meeting-minutes/DRAFT 2025-09-17 Regular Meeting Minutes.pdf			
5	<p>11/05/2025 PAB Regular Meeting Recording: 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>	ODPA	<p>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.</p> <p>(1:43:00-1:43:17)</p>	Open – This request is still active.
6	<p>11/05/2025 PAB Regular Meeting Recording: 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>	ODPA	<p>The PAB requested that ODPA staff start identifying alternative fixed-camera vendors so the PAB can make an informed recommendation to Council.</p> <p>(1:51:53-1:52:24)</p>	Open – This request is still active.
7	<p>01/07/2026 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=RQIXI-c9sPo</p> <p>01/07/2026 PAB Regular Meeting Draft Minutes:</p>	ODPA, BPD	<p>The PAB requested that ODPA follow up with BPD to confirm whether the redlined Use of Force Policy 300 is final or still in progress and, if not final, when a finalized draft will be submitted to the PAB, and to compile the relevant versions of</p>	Open – ODPA Staff has reached out to BPD regarding the policy timeline and has requested a version that

	https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT_2026-01-07_PAB_Meeting_Minutes_updated.pdf		the policy into a single comparison packet for side-by-side board review. (46:50-52:01)	incorporates changes.
8	01/21/2026 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=GBUdw8C3aso 01/21/2026 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT_2026-01-21_PAB_Meeting_Minutes.pdf	ODPA, BPD	The Board voted to refer continued engagement with BPD regarding proposed revisions to Use of Force Policy 300 to the Policy Subcommittee. ODPA is expected to facilitate communication, coordination, and information sharing between the Policy Subcommittee and BPD as discussions continue. (36:40 – 40:30)	Open – Referred to the Policy Subcommittee. Ongoing facilitation by ODPA.
9	01/21/2026 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=GBUdw8C3aso 01/21/2026 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT_2026-01-21_PAB_Meeting_Minutes.pdf	ODPA	The Board voted to delegate authority to the Chair and Vice Chair, working with the Director, to incorporate Board edits, finalize formatting, verify hyperlinks, and submit the updated PAB Policy Manual to the City Attorney’s Office for review prior to final adoption. (56:40 – 1:03:30)	Open – Active, edits and legal review pending prior to finalization and publication.

Off-Agenda 4
Communications to the PAB



FOR IMMEDIATE RELEASE

January 30, 2026

POLICE ACCOUNTABILITY BOARD MEMBERS DR. KITTY CALAVITA AND JULIET (“JULIE”) LEFTWICH, J.D., ANNOUNCE RESIGNATION

BERKELEY, CA — The Police Accountability Board (PAB) and the Office of the Director of Police Accountability (ODPA) acknowledge the resignation of Board Member Dr. Kitty Calavita and Board Member Juliet (“Julie”) Leftwich, J.D., who have jointly announced that they are stepping down from the Berkeley Police Accountability Board.

Dr. Calavita and Ms. Leftwich are the most tenured members of Berkeley’s current oversight body. Both previously served on the Police Review Commission (PRC)—the first civilian oversight body in the nation with independent authority to investigate complaints against police officers—and continued that service when voters approved the creation of the PAB in 2020.

About Dr. Kitty Calavita

Board Member Dr. Kitty Calavita is a sociologist, whose work focuses on the sociology of law, and criminology. She is the Chancellor's Professor Emerita at University of California, Irvine and Distinguished Affiliate at the Center for the Study of Law and Society at UC Berkeley. As a long-serving member of the PRC and later the PAB, Dr. Calavita played a central role in:

- Developing policies to limit searches of individuals solely because they were on supervised release;
- Crafting a comprehensive use of force policy that emphasized the sanctity of life and core principles of accountability and transparency;
- Chairing the policies, practices and procedures review of major incidents such as the Downtown/Bike Task Force texting matter;

- Co-chairing, along with Board Member Leftwich, the PAB Committee on Final Regulations for handling investigations and complaints.

Her combination of rigorous research, deep community engagement, and decades-long commitment to civilian oversight has provided the PAB with exceptional analytical and historical perspective.

About Juliet (“Julie”) Leftwich, J.D.

Board Member Juliet (“Julie”) Leftwich, J.D., is an attorney and the former Legal Director of the Giffords Law Center to Prevent Gun Violence, where she helped draft, enact and defend hundreds of state and local gun safety laws in California and nationwide. Since leaving the Law Center in 2017 to pursue her passion for other social and criminal justice issues, she has served on the Berkeley Police Review Commission and Chaired the Berkeley Commission on the Status of Women. She is currently a member of the Alameda County Behavioral Health Advisory Board, where she Co-Chairs the Criminal Justice Committee and serves on the Care First, Jails Last Ad Hoc Committee.

As a member of both the PRC and the PAB, Ms. Leftwich has:

- Helped lead complex policy and practice reviews involving use of force, vehicle pursuits and body worn cameras;
- Brought a sustained focus on civil rights, transparency, and careful legal analysis to the Board’s work;
- Co-chaired, along with Dr. Calavita, the PAB Committee on Final Regulations for handling investigations and complaints and chaired the PAB’s Policy Review Subcommittee.

Her legal expertise and collaborative approach have been instrumental in translating community concerns into concrete policy recommendations.

Concerns Raised in Their Joint Resignation Statement

In their joint resignation statement, Dr. Calavita and Ms. Leftwich describe longstanding concerns about the Board’s ability to fully exercise its voter-approved authority, including challenges in accessing records, sustaining prior policy reforms, and completing permanent regulations for the PAB. As they write,

We know that the PAB is only an advisory body. If our findings and policy recommendations have not always been accepted, that is understandable. What is unacceptable is the consistent pattern of reversals, the delays in

providing information critical to doing our job, and the ongoing rollbacks of policies previously agreed to after extensive research and collaboration.

For more than half a century, Berkeley was a model for other cities seeking meaningful police oversight. No more. Over 84% of Berkeley voters established and empowered the Police Accountability Board, but their will has been ignored and the advances they envisioned have often been subverted.

The full resignation statement, as submitted by Dr. Calavita and Board Member Leftwich to the City Council and relevant stakeholders, is attached to this release and is available online at:

<https://berkeleyca.gov/sites/default/files/2026-01/Joint%20Resignation%20Statement%20of%20PAB%20Members%20Calavita%20and%20Leftwich.pdf>

PAB and ODPa Acknowledging Their Service and Institutional Knowledge

PAB Chair, Joshua Cayetano, emphasized the depth of their contributions and what their departure means for the Board:

As the most tenured members of the Police Accountability Board, Dr. Calavita and Board Member Leftwich have provided an irreplaceable depth of institutional knowledge. Their experience on both the PRC and the PAB, coupled with their academic and legal expertise, has helped ground our deliberations in history, law, and community values. We are deeply grateful for their years of service to the people of Berkeley. I thank them both for their many years of service to the PAB and PRC. I am so grateful to have learned from, worked with, been frustrated with, laughed with, and been supported by both of them. I will seriously miss their commitment to oversight on the board, their candor, and their wisdom.

Director of Police Accountability Hansel Alejandro Aguilar underscored both their individual contributions and the broader context in which their resignation occurs:

Dr. Calavita and Ms. Leftwich have been pillars of civilian oversight in Berkeley,” said Hansel Alejandro Aguilar, Director of Police Accountability. “They have been the conscience and institutional memory of Berkeley’s enhanced (through Measure II) oversight system. As a sociologist and a civil-rights lawyer, respectively, they brought the best of academia and public-interest law into a space that often resists scrutiny. Their departure

leaves a real void- especially now, when the community has legitimate questions about whether the powers created for oversight are truly being honored in day-to-day decision-making. Nationally, we are witnessing a troubling trend: oversight structures are created with great promise, only to be constrained when they begin to function as intended. The concerns raised by Dr. Calavita and Board Member Leftwich about access to information, the durability of reforms, and the weight given to community-driven recommendations should not be minimized or dismissed. They are a warning sign- and an opportunity- for Berkeley to decide whether it will be a place where oversight is symbolic, or a place where independent, community- rooted accountability is allowed to do its job.

The PAB will continue its work reviewing police policies, hearing community concerns, and making recommendations to promote constitutional, effective, and trusted policing in Berkeley. The Board currently has five of its nine seats vacant, in addition to the alternate position, meaning only 44% of its regular seats are filled. Recruitment and appointment of new Board members to fill the vacant seats will follow the process established in the City Charter and implementing ordinances.

In a joint statement, Chair Cayetano and Director Aguilar emphasized that even with these departures, the City's commitment to meaningful oversight must continue:

"We honor Dr. Calavita and Board Member Leftwich for their principled service," jointly affirmed Chair Cayetano, and Director Hansel Alejandro Aguilar. "Their departure underscores the importance of ensuring that the Board has the information, independence, and support it needs to fulfill the mandate Berkeley voters approved. Our commitment to that mission remains steadfast."

About the Police Accountability Board (PAB):

The purpose of the Police Accountability Board is to promote public trust through independent, objective, civilian oversight of the Berkeley Police Department, provide community participation in setting and reviewing Police Department policies, practices, and procedures, and provide a means for prompt, impartial and fair investigation of complaints brought by members of the public against sworn employees of the Berkeley Police Department.

About the Office of the Director of Police Accountability (ODPA):

The purpose of the Director of Police Accountability is to investigate complaints filed against sworn employees of the Berkeley Police Department, to reach an independent finding as to the facts, and to recommend corrective action where warranted. The

Director of Police Accountability may also serve as the Secretary to the Police Accountability Board and assist the Board in carrying out the duties prescribed herein.

For further information or inquiries, please contact:

Hansel Alejandro Aguilar
Director of Police Accountability
haguilar@berkeleyca.gov
510-981-4960

Attachments:

1. Joint Resignation Statement of Police Accountability Board Members Kitty Calavita and Juliet Leftwich

[END OF RELEASE]

**Joint Resignation Statement of Police Accountability Board Members
Kitty Calavita and Juliet Leftwich**

It is with sadness that we announce our joint resignation from the Berkeley Police Accountability Board (PAB).

In 2020, Berkeley voters overwhelmingly approved the creation of the PAB to “promote public trust through independent, objective, civilian oversight of the Berkeley Police Department...” The PAB was created to enhance the powers of the Berkeley Police Review Commission (PRC), established by voter initiative in 1973 as the first civilian oversight body in the nation with independent authority to investigate complaints against police officers. Having served on both the PRC and the PAB, however, we have seen firsthand that the PAB has not been permitted to exercise its expanded oversight authority and is even *less* empowered than its predecessor.

During our tenure on the PRC, we worked collaboratively with the Berkeley Police Department and the previous Chief of Police on several aspects of our work, including a variety of policy and practice reviews. Although some issues were contentious, we were able to achieve many important policy reforms, including a policy to prohibit police from searching people solely because they were on supervised release, and a comprehensive policy governing the use of force.

Unfortunately, reforms that were achieved by the PRC are now being undone. The limitation on police searches of people on supervised release, for example, which had been worked out through careful collaboration during eighteen months of meetings, was subsequently revisited by the City Council and narrowed.

More recently, in December, the Department presented the PAB with a last-minute draft of draconian changes to the use of force policy which had been painstakingly crafted by the PRC with significant input from the prior Chief and his staff and subsequently approved by City Council. Although purportedly intended to “streamline” the policy, the redlines completely eviscerated the document. Language regarding the sanctity of life was removed, together with the seven Core Principles of the policy (which include a commitment to “ensuring accountability and transparency, and striving to increase trust with our community”). Although the Department stated that they will work with the PAB on the final version of the new policy, it’s doubtful that any real collaboration is possible given how radical the changes are and how abruptly the PAB was informed about them.

A further obstacle to the PAB’s exercise of its voter-approved authority has been the difficulty accessing essential records. Since its inception, the PAB has spent almost as

much time and energy fighting to secure Charter-mandated access to Police Department records as it has on actual oversight.

A case in point relates to the PAB investigation of the Downtown Task Force/Bike Force texting scandal, one of the most shocking incidents during our tenure. Because no formal complaint about the egregious texts was filed with the Office of the Director of Police Accountability, the PAB was limited to undertaking a policy and practices review. We soon learned that we would not be allowed to access information gathered by the outside law firm the City hired to investigate. At first, we were not even permitted to *read* the firm's final report. Only after many months of insistent memos, our own legal analyses, and the threat of a subpoena (which, contrary to the clear words of the Charter, we were initially told we were not authorized to issue), was the PAB allowed to read the final report and eventually to hear the audiotapes of officer interviews. Although the report we produced contained detailed suggestions for policy changes, our recommendations were summarily dismissed by Council.

In another policy arena, the PAB's recommendations for caution in approving the installation of surveillance cameras—specifically those provided by the Flock surveillance system—also have been ignored. The PAB has pointed out that, as reported in multiple media outlets, data from the Flock system has been leaked to ICE. City leaders have largely discounted the PAB's feedback on a wide assortment of other matters, too.

The PAB should be viewed as a powerful resource that can provide deeply researched policy recommendations that prioritize both public safety concerns and Berkeley's progressive values. It can be an ally in the construction of evidence-based, effective, and just policy.

Beyond the policy arena, we have been significantly frustrated by the City's failure to complete the "meet and confer" process for the PAB's permanent regulations. A comprehensive draft of those regulations was developed by a PAB Subcommittee in consultation with a representative of the Police Department and approved unanimously by the full PAB in April of 2023 – nearly *three* years ago. The current protracted process has required us, as the PAB representatives, to spend countless hours in preliminary negotiations with a large group of "internal stakeholders," including the Police Chief and representatives of the Offices of the City Manager, Human Resources and City Attorney, to obtain *their* approval of *our* regulations before bargaining with the union.

During an inefficient years-long process, we have had to compromise with this internal stakeholders group on a variety of provisions in order to move forward. We were not, however, willing to abandon two essential, common-sense regulations intended to enhance public trust in how allegations of police misconduct are resolved. In December, the internal

stakeholders group appeared before the City Council in closed session for Council to resolve the dispute between us as PAB representatives on one hand, and the Police Chief, Deputy City Manager, and Director of HR on the other. We were greatly disappointed, although not surprised, when Council overwhelmingly sided with the Chief and other internal stakeholders. We are not currently permitted to speak to the press or in a PAB open session about the specific regulatory provisions in question.

Finally, although the PAB carefully considers allegations of misconduct against police officers and often finds that no misconduct occurred, the Chief and City Manager have routinely reversed our decisions when we have sustained the allegations based on our thorough factual and legal analyses.

We know that the PAB is only an advisory body. If our findings and policy recommendations have not always been accepted, that is understandable. What is unacceptable is the consistent pattern of reversals, the delays in providing information critical to doing our job, and the ongoing rollbacks of policies previously agreed to after extensive research and collaboration.

For more than half a century, Berkeley was a model for other cities seeking meaningful police oversight. No more. Over 84% of Berkeley voters established and empowered the Police Accountability Board, but their will has been ignored and the advances they envisioned have often been subverted.

Because we believe our continued efforts to fulfill the mission of the PAB will be in vain, we regrettably must resign. We do not come to this decision lightly. We have enormous respect for our PAB colleagues. We applaud their dedication and expertise and will miss them deeply. It has been an honor to work with them and former colleagues on important issues over the years, and we are grateful to have had the opportunity to be of service to our community.

Off-Agenda 5
2026 PAB Meeting Calendar

2026 PAB MEETING CLENDAR

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*PAB Nominations and Election of Chair and Vice Chair

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*Annual Report to be presented in March

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NACOLE from 11/8-11/12

City Council Meeting BMC 2.100.050 Due Date *City Holiday *PAB Meeting *Reduced Service Day

<https://berkeleyca.gov/sites/default/files/work-plans/PAB%20Meeting%20Calendar%202026.pdf>