

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

PUBLIC MEETING MATERIAL



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
SUPPLEMENTAL 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
9.a.	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.	1
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Item 9.a.

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.

**RESOLUTION NO. 2026-0001****RESOLUTION OF THE POLICE ACCOUNTABILITY BOARD AND THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY OF THE CITY OF BERKELEY THANKING DR. KITTY CALAVITA FOR HER SERVICE AND COMMITMENT TO CIVILIAN OVERSIGHT**

WHEREAS, the City of Berkeley is committed to transparency, accountability, and community engagement through the work of the Police Accountability Board (PAB); and

WHEREAS, Dr. Kitty Calavita served with distinction on the Berkeley Police Review Commission and later on the Police Accountability Board, providing years of continuous service to Berkeley's civilian police oversight system; and

WHEREAS, Dr. Calavita is a sociologist whose work focuses on the sociology of law and criminology, and she is Chancellor's Professor Emerita at the University of California, Irvine and a Distinguished Affiliate at the Center for the Study of Law and Society at the University of California, Berkeley; and

WHEREAS, during her tenure, Dr. Calavita played a central role in shaping and advancing police oversight policy in Berkeley, including developing policies to limit searches of individuals solely because they were on supervised release and co-authoring the Board's report on fair and impartial policing, bringing a rigorous sociological lens to issues of bias, equity, and accountability in law enforcement; and

WHEREAS, Dr. Calavita chaired and participated in multiple critical policy and practice reviews, including the review of major incidents such as the Downtown Task Force and Bike Task Force texting matter, bringing rigorous analysis, historical perspective, and principled leadership to the Board's work; and

WHEREAS, Dr. Calavita co-chaired the Police Accountability Board Committee on Final Regulations for handling investigations and complaints, contributing substantial time and

expertise toward the development of permanent regulations intended to strengthen civilian oversight; and

WHEREAS, throughout her service, Dr. Calavita provided the Board with exceptional institutional knowledge, intellectual rigor, and an unwavering commitment to community centered accountability and civilian oversight;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Police Accountability Board of the City of Berkeley that the Board and the Office of the Director of Police Accountability express their deepest gratitude and appreciation to Dr. Kitty Calavita for her extraordinary service and enduring contributions to civilian police oversight in Berkeley.

BE IT FURTHER RESOLVED, that this resolution be presented to Dr. Kitty Calavita as a token of sincere appreciation and recognition for her leadership, scholarship, and dedication to public service, and that a copy be transmitted to the Berkeley City Council for its awareness and acknowledgment.

Adopted on: 2/11/2026

RESOLUTION VOTING RESULTS

<u>Board member</u>	<u>Aye</u>	<u>No</u>	<u>Abstain</u>
Cayetano			
Wilson			
Wells			
Buswell-Charkow			

Total:

CERTIFICATION

I, Joshua Cayetano, as Chair of the Police Accountability Board, hereby certify the accuracy of the voting results contained in this document.

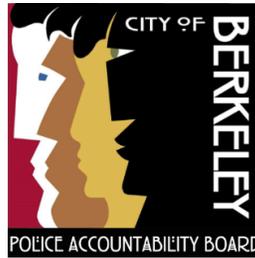
 Joshua Cayetano,
 Chair of the Police
 Accountability Board

 Date

I, Jose Murillo, witnessed the signing of this document and can confirm that the signature, whether physical or electronic, belongs to Joshua Cayetano. I have signed this document below as a witness to the signing.

 Jose Murillo,
 Acting Director of Police
 Accountability & Secretary
 to the Police Accountability
 Board

 Date

**RESOLUTION NO. 2026-0002****RESOLUTION OF THE POLICE ACCOUNTABILITY BOARD AND THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY OF THE CITY OF BERKELEY THANKING JULIET (“JULIE”) LEFTWICH, J.D., FOR HER SERVICE AND COMMITMENT TO CIVILIAN OVERSIGHT**

WHEREAS, the City of Berkeley is committed to transparency, accountability, and community engagement through the work of the Police Accountability Board (PAB); and

WHEREAS, Juliet (“Julie”) Leftwich, J.D., served the City of Berkeley through the Berkeley Police Review Commission and later the Police Accountability Board, providing continuity, institutional knowledge, and leadership within Berkeley’s civilian oversight system; and

WHEREAS, Ms. Leftwich brought legal expertise to her service on Berkeley oversight bodies, supporting the Board’s work through careful legal analysis and a sustained focus on civil rights, transparency, and accountability; and

WHEREAS, during her tenure on the Police Accountability Board, Ms. Leftwich helped lead complex policy and practice reviews involving use of force, vehicle pursuits, and body-worn cameras, consistently grounding the Board’s work in community values and established oversight principles; and

WHEREAS, Ms. Leftwich chaired the Police Accountability Board Policy Review Subcommittee and co-chaired the Committee on Final Regulations for Handling Investigations and Complaints, playing a key role in translating community concerns into concrete and actionable policy recommendations for the City of Berkeley; and

WHEREAS, Ms. Leftwich’s collaborative approach, legal acumen, and principled advocacy significantly strengthened the Board’s deliberations and advanced the mission of independent civilian oversight;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Police Accountability Board of the City of Berkeley that the Board and the Office of the Director of Police Accountability express their sincere appreciation and gratitude to Juliet (“Julie”) Leftwich, J.D., for her distinguished service and lasting contributions to police accountability and civilian oversight in Berkeley.

BE IT FURTHER RESOLVED, that this resolution be presented to Juliet (“Julie”) Leftwich, J.D., as a token of appreciation for her leadership and service, and that a copy be transmitted to the Berkeley City Council for its awareness and acknowledgment.

Adopted on: 2/11/2026

RESOLUTION VOTING RESULTS

<u>Board member</u>	<u>Aye</u>	<u>No</u>	<u>Abstain</u>
Cayetano			
Wilson			
Wells			
Buswell-Charkow			

Total:

CERTIFICATION

I, Joshua Cayetano, as Chair of the Police Accountability Board, hereby certify the accuracy of the voting results contained in this document.

 Joshua Cayetano,
 Chair of the Police
 Accountability Board

 Date

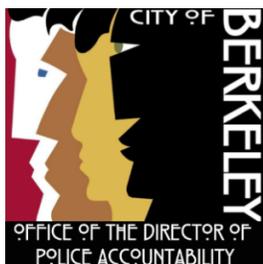
I, Jose Murillo, witnessed the signing of this document and can confirm that the signature, whether physical or electronic, belongs to Joshua Cayetano. I have signed this document below as a witness to the signing.

 Jose Murillo,
 Acting Director of Police
 Accountability & Secretary
 to the Police Accountability
 Board

 Date

Item 9.c.

ODPA Memorandum to the PAB Titled "January 27, 2026 City Council Recap – Discussion and Action on Item 21 (Rescission and Replacement of the Police Equipment and Community Safety Ordinance)



MEMORANDUM

Date: February 9, 2026
To: Honorable Members of the Police Accountability Board (PAB)
From: Jose Murillo, Acting Director of Police Accountability (DPA) *JM*
Syed Mehdi, ODPa Data Analyst *SM*
Subject: January 27, 2026 City Council Recap – Discussion and Action on Item 21 (Rescission and replacement of the Police Equipment and Community Safety Ordinance)

This memorandum summarizes City Council's discussion and action on Agenda Item 21, concerning the proposed rescission and replacement of the Police Equipment and Community Safety Ordinance, as considered at the January 27, 2026 City Council meeting.¹

Background:

Agenda Item 21 concerned a proposal submitted to City Council by Councilmember Humbert, as author, and Councilmember O’Keefe, as co sponsor, to rescind Ordinance No. 7760 N.S., enacted May 11, 2021, and replace it with a revised Police Equipment and Community Safety Ordinance.² As described in the council-submitted item and accompanying materials, the proposal was intended to align Berkeley’s local police equipment oversight and reporting framework with state law requirements under Chapter 12.8 of the California Government Code (AB 481).

The proposal sought to consolidate overlapping local and state reporting obligations into a single annual report beginning with the 2025 reporting year, while retaining targeted local reporting related to equipment deployment and ongoing use of force reporting under Policy 300.³

On June 2, 2025, the Agenda and Rules Committee reviewed the item and referred it to the Public Safety Policy Committee (PSPC) for further consideration.⁴

¹ January 27, 2026 Berkeley City Council Agenda Packet (Item 21): https://berkeleyca.gov/sites/default/files/city-council-meetings/2026-01-27_Agenda_Packet_-_Council_-_WEB_0.pdf%23page=767

² June 2, 2025 Agenda Committee Revised Draft Item 47 Controlled Equipment Rescission: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-06-02_Agenda_Committee_Revised_Draft_Item_47_Controlled_Equipment_Rescission.pdf

³ BPD Policy 300.6 (UOF Reporting Requirements): https://berkeleyca.gov/sites/default/files/2022-05/Use_of_Force.pdf%23page=13

⁴ June 2, 2025 Agenda Committee Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/06-02_Minutes_-_Agenda_Committee.pdf

The PAB transmitted written feedback on the proposal on July 18, 2025. In its letter to the PSPC, the Board recommended against repeal of the existing ordinance and instead urged revision of Berkeley Municipal Code Chapter 2.100 to eliminate duplicative reporting while retaining additional local oversight, reporting requirements, and the Board's review role that are not mandated under AB 481.⁵

The PSPC considered the item on July 21, 2025 and voted to forward the item to City Council with a qualified positive recommendation, recognizing the intention to move toward a single consolidated report. In doing so, the Committee identified matters for further consideration, including clarification of the role of public reporting through the Transparency Hub, continued consideration of less lethal deployment policies including a possible review of Policy 300, and consideration of reporting on the acquisition and use of controlled equipment in alignment with AB 481 with continued review by the PAB.⁶ City Council considered Agenda Item 21 at its January 27, 2026 meeting.

Key Themes:

Several themes emerged from Council's discussion:

- Balancing compliance with state law and local accountability expectations.⁷
- Addressing administrative duplication while maintaining substantive oversight.⁸
- Reliance on the PAB as a central civilian review body.⁹
- Continued emphasis on transparency, even as reporting structures are consolidated.¹⁰

The full record of the January 27, 2026 City Council meeting, including the video recording, transcript, and any available minutes, is publicly available.¹¹

Council Action:

After discussion of the proposals, Council voted 8 Ayes to 2 Noes to pass the following motion:

Motion to adopt the first reading of Ordinance No. 8,001 N.S. from the item submitted by Councilmember Humbert, including the revisions as submitted by Councilmember Blackaby in Supplemental Communications Packet

⁵ July 18, 2025 PAB Chair Letter to PSPC [https://berkeleyca.gov/sites/default/files/documents/7.18.25 - PAB Chair Ltr to PSPC Controlled Equipment wAttachments%28Final%29 %281%29.pdf](https://berkeleyca.gov/sites/default/files/documents/7.18.25_-_PAB_Chair_Ltr_to_PSPC_Controlled_Equipment_wAttachments%28Final%29_%281%29.pdf)

⁶ July 21, 2025 Public Safety Policy Committee Meeting Minutes: [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-07-21 Annotated Agenda Public Safety.pdf%23page=2](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-07-21_Annotated_Agenda_Public_Safety.pdf%23page=2)

⁷ January 27, 2026 City Council Meeting Recording: <https://berkeley.granicus.com/player/clip/5572> (01:40:38–01:42:45).

⁸ January 27, 2026 City Council Meeting Recording: <https://berkeley.granicus.com/player/clip/5572> (02:35:54–02:37:04).

⁹ January 27, 2026 City Council Meeting Recording: <https://berkeley.granicus.com/player/clip/5572> (02:29:38–02:32:37).

¹⁰ January 27, 2026 City Council Meeting Recording: <https://berkeley.granicus.com/player/clip/5572> (02:39:04–02:44:08).

¹¹ January 27, 2026 City Council (Annotated Agenda) Meeting Minutes, City of Berkeley:

[https://berkeleyca.gov/sites/default/files/city-council-meetings/2026-01-27 Annotated Agenda - Council.pdf%23page=11](https://berkeleyca.gov/sites/default/files/city-council-meetings/2026-01-27_Annotated_Agenda_-_Council.pdf%23page=11)

January 27, 2026 City Council Video Recording, City of Berkeley:

https://berkeley.granicus.com/player/clip/5572?publish_id=9ff57e3c-fc76-11f0-bb28-005056a89546&redirect=true

Number 2 and further revised at the meeting as noted below. Second reading scheduled for February 10, 2026¹²

- *Paragraph numbering in Section 2.100.080 changed to A) to B)*
- *Correct the numbering for the severability section*
- *The effective date is amended to be 30 days after the second reasing*
- *Remove section 2.100.040(A)(2)*
- *Amend sections 2.100.050(B)(1) and 2.100.050(F)(1) to change 15 days to 12 days*
- *Amend section 2.100.050(C)(1)*
- *Rename Section 2.100.050(D)*
- *Change 30 days to 45 days in Sections 2.100.050(D)(3) and 2.100.060(B)(4)*
- *Remove Section 2.100.070(A)*

As adopted at first reading, the ordinance includes amendments made during the meeting, including changes to section numbering and timelines, removal of certain reporting provisions, and revised review timeframes that extend the PAB’s review period from the originally proposed 30 days to 45 days. Under this new framework, PAB review is no longer required before City Council consideration of approval.

The second reading of Ordinance No. 8,001 N.S. is scheduled for February 10, 2026 and, if passes, will take effect 30 days following adoption at second reading..¹³

Attachments:

1. City Council Agenda Item 05 – Ordinance No. 8,001-N.S. (Police Equipment Ordinance)

¹² Moved/Second (Humbert/Blackaby) Motion carried. Ayes: Bartlett, Tregub, O’Keefe, Blackaby, Lunaparra, Humbert and Ishii. Noes: Kesarwani, Taplin. Abstain: None. Absent: None.

¹³ See Attachment 1: City Council Agenda Item 05 – Ordinance No. 8,001-N.S. (Police Equipment Ordinance)

Attachment 1: City Council Agenda Item 05 – Ordinance No. 8,001-N.S. (Police Equipment Ordinance)

ORDINANCE NO. 8,001-N.S.

RESCINDING AND REPLACING ORDINANCE 7760-N.S. POLICE EQUIPMENT AND COMMUNITY SAFETY ORDINANCE WITH THE POLICE EQUIPMENT ORDINANCE; BERKELEY MUNICIPAL CODE CHAPTER 2.100

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

Section 1. Findings

- A. On May 11, 2021, the City Council adopted Ordinance No. 7760-NS, the Police Equipment and Community Safety Ordinance, to enhance local oversight, transparency, and accountability in the management of police equipment.
- B. On October 1, 2021, the State of California enacted Assembly Bill 481, establishing a comprehensive statewide framework for police equipment reporting and oversight, codified in Chapter 12.8 (Sections 7070 to 7075) of Division 7 of Title 1 of the California Government Code (hereafter referred to as Chapter 12.8).
- C. The City adopts all of the State's findings articulated in Assembly Bill 481, Section 1:
- The acquisition of military equipment and its deployment in our communities adversely impacts the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and incurment of significant financial costs. Military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.
 - The public has a right to know about any funding, acquisition, or use of military equipment by state or local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment.
 - Decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input.
 - Legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used.
 - The lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be

undermined when law enforcement is seen as an occupying force rather than a public safety service.

D. Chapter 12.8's framework explicitly encourages local governments to implement additional requirements and standards related to the purpose, use, and reporting of military equipment by local law enforcement agencies.

E. The City's local Ordinance No. 7760-NS extends oversight to additional categories of police equipment and identifies the mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, consistent with Chapter 12.8.

F. Specifically, Ordinance No. 7760-NS requires the reporting of additional categories of police equipment, the reporting of deployments of police equipment, the submission of an impact statement, and the delegated review of use policies and the annual report to the Police Accountability Board, all of which further the purposes of Chapter 12.8, but are not required by state law.

G. Ordinance No. 7760-NS has resulted in duplicative administrative burdens and inefficiencies for City staff, in part due to definitional ambiguity and operational misalignment.

H. Rescinding and replacing Ordinance No. 7760-NS will streamline the City's reporting processes, eliminate redundant tasks, and enable staff to focus on higher-priority operational responsibilities, while maintaining robust public transparency and accountability under State and local law.

I. The City Council finds that rescission and replacement of Ordinance No. 7760-NS is consistent with the City's goals of effective governance, operational efficiency, and fiscally responsible policymaking.

Section 2. Rescission

Ordinance No. 7760-NS, known as the Police Equipment and Community Safety Ordinance, is hereby rescinded.

Section 3. Compliance with State Law

The City of Berkeley shall comply with all applicable provisions of Chapter 12.8 (Sections 7070 to 7075) of Division 7 of Title 1 of the California Government Code and any subsequent amendments thereto governing the acquisition, funding, use, and reporting of police equipment.

Section 4. Chapter 2.100 of the Berkeley Municipal Code is hereby rescinded and readopted to read as follows:

Chapter 2.100 POLICE EQUIPMENT ORDINANCE

2.100.010 Name of Ordinance

(A) This Ordinance shall be known as the Police Equipment Ordinance.

2.100.020 Purposes of Ordinance

- (A) The purposes of this ordinance are to:
- (1) Restate requirements for the Berkeley Police Department (BPD) to produce policies and reports regarding the acquisition, funding, deployment, and use of covered Military Equipment.
 - (2) Ensure ongoing consistency between local and State requirements with respect to Military Equipment policies, acquisition, funding, and reporting.
 - (3) Avoid duplication of reporting and other effort by the Berkeley Police Department and the Police Accountability Board (PAB).
 - (4) Strengthen existing state law requirements governing the acquisition, funding, use, and reporting of police equipment
 - (5) Ensure that local requirements remain in place in the event State-level requirements established by Chapter 12.8 (Sections 7070 to 7075) of Division 7 of Title 1 of the California Government Code are rescinded or struck down.
 - (6) Specify how local requirements differ from State-level requirements.
 - (7) Clarify roles and timelines with respect to BPD provision of Chapter 12.8 documents, the Police Accountability Board, and the PAB's involvement in effectuating Chapter 12.8.

2.100.030 Local consistency with California State standards

(A) All provisions of Chapter 12.8 (Sections 7070 to 7075) of Division 7 of Title 1 of the California Government Code, including definitions, reporting requirements, policy requirements, review by elected officials, public meetings, and all other provisions, is hereby incorporated into the Berkeley Municipal Code by reference.

- (1) In the event that Chapter 12.8 and/or its requirements are amended/alterd by the State Legislature or by a court whose jurisdiction covers Berkeley, those revisions shall also be incorporated by reference; this includes amendments made to the original statute or new statutes that may add to the requirements of Chapter 12.8.

(B) The Berkeley Police Department shall be responsible for fulfilling the requirements and provisions of Chapter 12.8.

(C) The use policies and reports produced in compliance with Chapter 12.8 (or requirements amended/established by successor legislation) by the Berkeley Police Department shall serve to meet these local reporting requirements.

- (1) In no event shall this ordinance be interpreted to require BPD to produce multiple versions of the policies/reports required by Chapter 12.8.

2.100.040 Additional City of Berkeley Standards

(A) The following police equipment shall also be subject to the same approval processes and reporting requirements defined in Chapter 12.8 and herein:

- (1) All specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code.
- (2) Batons 30 inches or longer in length.

(B) In addition to reporting requirements of Government Code Section 7072, the annual report shall include:

- (1) A summary of how the Police Equipment was used or deployed. "Deployment" shall mean any instance in which military equipment was pointed or aimed at an individual, or otherwise deployed, during an interaction. "Interaction" shall be defined as a situation in which an individual could reasonably believe the deployment could be an attempt to gain compliance." Deployment shall not include the transport or wearing of military equipment.
 - (a) Batons 30 inches or longer in length shall only be deemed "deployed" when used for management or control of crowds.
- (2) If applicable, a breakdown of where Controlled Equipment was used geographically by individual police area. For each police area, the Police Department shall report the number of days or instances in which Controlled Equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization.

(C) For purposes of this Ordinance, "Impact Statement" means a publicly released, written document that includes, at a minimum, all of the following:

- (1) Description: A description of each type of Controlled Equipment, the quantity sought, its capabilities, expected lifespan, intended uses and effects, and how it works, including product descriptions from the manufacturer of the Controlled Equipment.
- (2) Purpose: The specific purpose or purposes that each type of Controlled Equipment is intended to achieve.
- (3) Fiscal Cost: The fiscal cost of each type of Controlled Equipment, including the initial costs of obtaining the equipment, the costs of each proposed use, the costs of potential adverse impacts, and the annual, ongoing costs of the equipment, including operating, training, transportation, storage, maintenance, and upgrade costs.
- (4) Impact: An assessment specifically identifying any potential impacts that the use of Controlled Equipment might have on the welfare, safety, civil rights, and civil liberties of the public.
- (5) Mitigations: Specific, affirmative technical and procedural measures that will be implemented to safeguard the public from such impacts.
- (6) Alternatives: Alternative method or methods by which the Police Department can accomplish the purposes for which the Controlled Equipment is proposed to be used, and rationale for selection over alternative methods.

(7) Third Party Dependence: Whether use or maintenance of the Controlled Equipment will require the engagement of third party service providers.

2.100.050 Acquisition and Use of Police Equipment.

(A) *Restrictions Prior to Submission and Approval*

(1) The Police Department shall not engage in any of the following activities enumerated in Government Code Section 7071(a)(1)(A)-(G) and Government Code 7073(a) regarding a piece of Police Equipment before the Berkeley Police Accountability Board ("Police Accountability Board"), or any successive agency, reviews and recommends, and the City Council approves, a Police Equipment Impact Statement and a Police Equipment Use Policy for that equipment.

(B) *Submission to Police Accountability Board*

(1) At least 12 days prior to any public meeting to consider the adoption of any Police Equipment Use Policy or Police Equipment Impact Statement, the Use Policy and Impact Statement shall be published for public review.

(2) The final Police Equipment Impact Statement and Police Equipment Use Policy shall be made publicly available on the Department's website for as long as the Police Equipment is available for use.

(3) The Police Accountability Board shall consider Police Equipment Impact Statements and Police Equipment Use Policies as an agenda item for review at an open session of a meeting.

(C) *Criteria for Police Accountability Board Recommendations*

(1) The Police Accountability Board shall recommend denial of a request to fund, acquire, or use Police Equipment pursuant to this chapter if it determines non-compliance with the standards articulated in Government Code Section 7071(d)(1).

(2) If the submitted Impact Statement identifies a risk of potential adverse effects on the public's welfare, safety, civil rights, or civil liberties, the Police Accountability Board's recommendation for approval for the funding, acquisition, or use of the Police Equipment shall not be deemed an acquiescence to those effects, but instead an acknowledgment of the risk of those effects and the need for the Police Department to take proactive steps to minimize those effects.

(D) *Police Accountability Board Review*

(1) The Police Accountability Board shall recommend that the City Council adopt, modify, or reject the proposed Police Equipment Use Policy, and notify the Police Department of its recommendations.

(2) The Police Accountability Board shall present its recommendations to City Council.

(3) Failure by the Police Accountability Board to make its recommendation on a proposal within forty-five (45) days, or thirty (30) days in instances where the proposal is subject to a time-sensitive grant application, of submission shall enable City Staff to proceed to the City Council for approval of the proposal.

- (E) *Police Accountability Board Review of Prior Recommendations*
 - (1) The Police Accountability Board shall determine, as part of its annual Work Plan, whether to include the review of any Police Equipment use policy in the coming year.
 - (2) A Police Accountability Board recommendation to City Council that a prior approval be revoked shall be presented to Council. If City Council does not act on such a recommendation within four (4) City Council meetings from when the item is first scheduled, the Police Department shall cease its use of the Police Equipment.

- (F) *City Council Approval Process*
 - (1) After the Police Accountability Board review requirements have been met, the Police Department shall schedule for City Council consideration the proposed Police Equipment Impact Statement and proposed Police Equipment Use Policy, and include Police Accountability Board recommendations, at least twelve (12) days prior to a public meeting.
 - (2) If the City Council does not approve such item within four (4) regular City Council meetings from when the item is first scheduled, the Police Department shall cease its use of the Police Equipment until such review and approval occurs.

2.100.060 Reports on the Use of Police Equipment.

- (A) The Police Department shall annually submit a report on Police Equipment that incorporates the reporting requirements of both Government Code Section 7072 and local law, as described herein.

- (B) *Compliance or Revocation of Approval*
 - (1) Within 60 days of the Police Department submitting an annual report, the Police Accountability Board shall place the report as an agenda item for an open session of a regular meeting.
 - (2) The Police Accountability Board shall have the authority to review the annual report and issue recommendations to the City Council. Specifically, in accordance with Government Code 7071(e)(2), the Police Accountability Board may determine, based on the annual report submitted pursuant to Government Code Section 7072 and Berkeley Municipal Code 2.100.060, whether each type of military equipment identified in that report has complied with the standards for approval set forth in Government Code Section 7071(d).
 - (3) If the Police Accountability Board determines that any Police Equipment has not complied with the standards for approval set forth in Government Code Section 7071(d), it shall either recommend revocation of the authorization for that piece of Police Equipment or modify the Police Equipment Use Policy in a manner that will resolve the lack of compliance. Recommendations for revocations shall be forwarded to City Council in accordance with the approval process in Section 2.100.050.

(4) After review by the Police Accountability Board or forty-five (45) days, whichever comes first, the Police Department shall submit the annual report to City Council, indicating its approval or lack of compliance for each piece of Police Equipment.

2.100.070 Transparency

(A) It shall be unlawful for the City to enter into any Controlled Equipment-related contract or other agreement that conflicts with the provisions of this Ordinance, and any conflicting provisions in such future contracts or agreements, including but not limited to non-disclosure agreements, shall be deemed void and legally unenforceable.

(B) To the extent permitted by law, the City shall publicly disclose all of its Controlled Equipment-related contracts, including any and all related non-disclosure agreements, if any, regardless of any contract terms to the contrary.

2.100.080 Whistleblower Protections.

All provisions of Berkeley’s Protection of Whistleblowers Workplace Policy, as promulgated by the City Manager on November 2, 2016, and including any updates or replacements thereto, shall apply.

2.100.090 Severability.

If any section, subsection, sentence, clause, phrase, or word of this Chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Chapter. The Council of the City of Berkeley hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

Section 5. Effective Date

This ordinance shall be effective thirty days after the second reading and shall apply to the 2025 report and to all subsequent reports.

Section 6. Posting, Filing, and Publication Requirements

Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on January 27, 2026, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Lunaparra, O’Keefe, Tregub, and Ishii.

Noes: Kesarwani, Taplin.

Absent: None.

Item 9.f.

ODPA Memorandum to the PAB Titled "2026 PAB Strategic Planning
Annual Retreat Recap"



MEMORANDUM

Date: February 10, 2026
To: Honorable Members of the Police Accountability Board (PAB)
From: Jose Murillo, Acting Director of Police Accountability (DPA) *JM*
 Syed Mehdi, Data Analyst *SM*
Subject: 2026 PAB Strategic Planning Annual Retreat Recap

This memorandum provides an overview of the PAB’s 2026 Strategic Planning Annual Retreat, and summarizes the key themes, challenges, and considerations discussed.¹

I. Background:

On January 17, 2026, the Board held its annual retreat to reflect on work completed during 2025 and discuss challenges, priorities, and areas of focus for 2026. The retreat provided an opportunity for Board members to assess the scope, effectiveness, and sustainability of the PAB’s work within the City. Discussions were informed by the implementation of the 2025 Workplan, ongoing staffing constraints, and the Board’s Charter mandated responsibilities.²

II. Key Themes and Challenges Identified

Theme	Summary of Challenges Identified During Retreat
Timing and Process Constraints	Recurring misalignment between PAB review timelines and the sequencing of City Council and BPD actions. Policies and reports are often transmitted to Council concurrently with or prior to PAB review, limiting full Board deliberation and shifting

¹ 2026 PAB Strategic Planning Annual Retreat Meeting Agenda: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2026-01-17_PAB_Special_Meeting_Agenda.pdf

² 2025 PAB Workplan: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2026-01-17_PAB_Special_Meeting_Packet.pdf

	substantive drafting to individual members. Examples discussed included fixed surveillance camera policies, radio encryption and military equipment reports, and drone and surveillance initiatives that advanced on compressed or overlapping timelines.
Staffing Limitations and Hiring Freeze Impacts	The Board discussed the significant impact of staffing constraints, including the City’s hiring freeze. Issues included reduced staff availability for committee support, tracking, and follow-up, increased reliance on volunteer Board member labor for complex and time intensive work, and ongoing tradeoffs between Charter mandated duties and discretionary but high impact policy work.
Compressed Investigation Timelines and Records Access	The Board identified tension between Charter investigation timelines and records production challenges. Concerns included late or incomplete records production, records identified after initial body worn camera review, limited flexibility created by internal assessment periods prior to issuing records requests, and increased risk of cases nearing administrative deadlines with constrained investigative sequencing.
Evaluation of Personnel Complaint Outcomes	The Board raised concerns regarding how its work is evaluated externally. They emphasized that the Board’s role is to provide independent, evidence-based analysis grounded in policy, and noted that outcome focused narratives can mischaracterize independent oversight as ineffective.
Tracking and Institutional Continuity	The Board discussed challenges maintaining visibility into the status and outcomes of the Board’s work. Issues included the absence of centralized tracking for policy referrals, Council responses, and implementation status, limiting effective follow up and preservation of institutional memory.
Policy Review Backlog and Scope Management	The Board acknowledged a growing backlog of policy reviews driven by prolonged focus on regulations, limited staffing capacity, and the absence of a clear prioritization or closure framework.
Community Engagement Capacity	While community engagement remains a priority, the Board noted structural limitations. Engagement efforts are largely event based and staff intensive. Attendance is often driven by specific incidents rather than sustained participation, and limited social media capacity, outreach staffing, and sustained funding restrict scalability.

III. Considerations Moving Forward:

The retreat underscored the need for clearer prioritization, improved tracking, and earlier coordination to support the Board's ability to meet its Charter mandated responsibilities within existing capacity constraints. Members emphasized balancing required investigative and oversight duties with discretionary policy work in a manner that is sustainable and aligned with available resources.

To support translating retreat discussions into actionable next steps, the Board identified a set of proposed goals intended to inform individual Board member engagement and collective Board focus during 2026. These proposed goals were shared with the full Board during the January 21, 2026,³ Regular Meeting for review and consideration.⁴

Attachments:

1. PAB Goals from the 2026 Strategic Planning Annual Retreat

³ January 21, 2026 PAB Regular Meeting Video Recording: https://youtu.be/GBUdw8C3aso?si=uLpe4J6_31FodOm1
(1:50:00-1:51:00)

⁴ See Attachment 1: PAB Goals from the 2026 Strategic Planning Annual Retreat

PAB Goals from 2026 PAB Annual Retreat

1. Encourage PAB members to communicate with their appointing council members and others as appropriate
2. Strengthen relationships with other oversight bodies - quarterly meetings with other oversight bodies?
3. Modify the process to modify the investigation timeline process to better accommodate the compressed timelines we have
4. Stops/Traffic data - let's start bringing this to PAB under broader header of FIP updates. 2-4 times year to the PAB.
5. Keep a running list of proposed charter changes
6. Institutionalization of a process for us to maximize our impact re policy work
 - a. Get things before implemented
 - b. Council refers items to us
 - c. Come up with a process where we work up issues/recs prior to things coming to council and if we can't work then we do dual recommendations
 - d. We have to be in on the beginning. Would require a different process.
 - e. Maximize our impact. Work with City Manager on this.
7. Commendations - make sure they get done -
8. Make sure all of our mandatory activities get done this year. Calendar of activities. That includes discretionary activities.
9. Weigh in on BPD budget
10. Any MOUs? We prioritized a couple last year. We had the list from last year. There are a few things from the list. UC piece. Review MOUs and decide if we are going to take any on this year?
11. Have an opportunity to partner with the auditor's office. Department's contracts with vendors haven't been systematically reviewed for compliance with sanctuary city contracting ordinance. Asking the auditor to take this issue on - review compliance with sanctuary city policy. People haven't looked at it yet.
[recommending for 2026?]
12. Go through the outstanding policy reviews and see if there's anything that we can do to further winnow down the list
13. Community Engagement Goals
 - a. Social media footprint
 1. Can Hansel get quotes for outsourcing social media?
 - b. Solano Stroll and Juneteenth
14. Chief should be asked to achieve our meetings
15. Achieve a full board complement
16. Continuing to strengthen relationships with academics