

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



**POLICE ACCOUNTABILITY BOARD
SPECIAL MEETING AGENDA PACKET
June 3, 2026
6:30 PM**

Board Members

Joshua Cayetano (Chair)	Leah Wilson (Vice-Chair)
Randy Wells	Joshua Buswell-Charkow
Benjamin Nash	Stephanie Allan

MEETING LOCATION

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

Agenda Item Materials

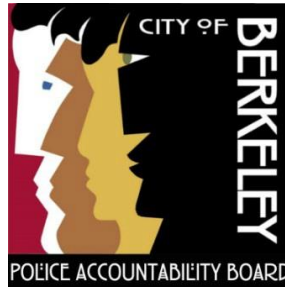
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Item 2

June 3, 2026 PAB Special Meeting Agenda



**POLICE ACCOUNTABILITY BOARD
SPECIAL MEETING AGENDA
WEDNESDAY, JUNE 3, 2026
6:30 P.M.**

Board Members

Joshua Cayetano (Chair)
Randy Wells
Benjamin Nash

Leah Wilson (Vice-Chair)
Joshua Buswell-Charkow
Stephanie Allan

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/89127154920>. If you do not wish for your name to appear on the screen, use the drop-down menu and click on “rename” to rename yourself to be anonymous. To request to speak, use the “raise hand” icon on the screen. To join by phone: Dial **1 669 900 6833** and enter Meeting ID **891 2715 4920**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized.

LAND ACKNOWLEDGMENT

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Chochen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

AGENDA

1. CALL TO ORDER AND ROLL CALL (2 MINUTES)

2. APPROVAL OF AGENDA (2 MINUTES)

3. PUBLIC COMMENT (TBD)

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

4. APPROVAL OF MINUTES (5 MINUTES)

- a. Minutes for the Regular Meeting of May 20, 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 (ESTIMATED TIME: 55 MINUTES)

- a. Discussion and action regarding additional commendations for BPD Officers (Cayetano & Wilson) – (10 Minutes)
- b. Discussion and action regarding draft sections of the 2025 PAB-ODPA Annual Report (ODPA) – (15 Minutes)
- c. Discussion and action regarding BPD Policy 300 “Use of Force” (Cayetano) – (15 Minutes)
- d. Discussion and action on the Berkeley Police Department’s 2025 Annual Police Equipment Report (Initial Review) (ODPA) – (15 Minutes)

10. PUBLIC COMMENT (TBD)

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

11. CLOSED SESSION

CLOSED SESSION ITEMS

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

- a. Conference With Labor Negotiators; Government Code § 54957.6
Designated representatives: Leah Wilson, Designated PAB Representative; Katherine Lee, Interim Director of Police Accountability
Employee organization: Berkeley Police Association

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

- | | |
|--------------------|---------------------|
| i. 2023-CI-0016 | xiii. 2026-CI-0005 |
| ii. 2024-CI-0004 | xiv. 2026-CI-0006 |
| iii. 2025-CI-0018 | xv. 2026-CI-0007 |
| iv. 2025-CI-0030 | xvi. 2026-CI-0008 |
| v. 2025-CI-0033 | xvii. 2026-CI-0009 |
| vi. 2025-CI-0037 | xviii. 2026-CI-0010 |
| vii. 2025-CI-0038 | xix. 2026-CI-0011 |
| viii. 2025-CI-0041 | xx. 2026-CI-0012 |
| ix. 2026-CI-0001 | xxi. 2026-CI-0015 |
| x. 2026-CI-0002 | xxii. 2026-CI-0016 |
| xi. 2026-CI-0003 | xxiii. 2026-CI-0017 |
| xii. 2026-CI-0004 | xxiv. 2026-CI-0018 |

END OF CLOSED SESSION

12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS (1 MINUTE)


13. ADJOURNMENT (1 MINUTE)

Off Agenda Reports

1. Legislative Updates Relevant to the PAB's Work
2. 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 Regular Meeting of May 20, 2026



**POLICE ACCOUNTABILITY BOARD
 REGULAR MEETING MINUTES
 WEDNESDAY, MAY 20, 2026
 6:30 P.M.**

Board Members

Joshua Cayetano (Chair)	Leah Wilson (Vice-Chair)
Randy Wells	Joshua Buswell-Charkow
Benjamin Nash	Stephanie Allan

MEETING LOCATION

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

MEETING MINUTES

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

Present: Board Member Joshua Cayetano (Chair)
 Board Member Leah Wilson (Vice Chair)
 Board Member Joshua Buswell-Charkow
 Board Member Stephanie Allan

Absent: Board Member Benjamin Nash¹
 Board Member Randy Wells²

ODPA Staff: Kathy Lee, Interim Director of Police Accountability
 Jose Murillo, Policy Analyst
 Syed Mehdi, Data Analyst
 Daniel Weinberg, Investigator

BPD Staff: Deputy Chief Jen Tate

¹ Board Member Benjamin Nash was granted a leave of absence for the 5/20/26 Regular PAB Meeting.

² Board Member Randy Wells was out with an unexcused absence for the 5/20/26 Regular PAB Meeting.

b. Introduction of New Board Members

i. Stephanie Allan – Nominated by Councilmember Tregub

Newly appointed Board Member Stephanie Allan introduced herself to the Board and public. Board Member Allan shared that she has lived in Berkeley since 1969, previously served on the Police Review Commission in the 1980s, is a retired union business agent, currently serves as a Career Technical Education advisor to the school district, and is a member of the bond oversight committee.

ii. Benjamin Nash – Nominated by Councilmember Bartlett

2. APPROVAL OF AGENDA

Motion to approve the agenda

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

Ayes: Wilson, Cayetano, Buswell-Charkow and Allan.

Noes: None. Abstain: None. Absent: Nash and Wells.

3. PUBLIC COMMENT

0 Physically Present Speakers

0 Virtually Present Speakers

4. APPROVAL OF MINUTES

a. Minutes for the Regular Meeting of April 22, 2026.

Motion to approve the minutes for the Regular Meeting of April 22, 2026.

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

Ayes: Wilson, Cayetano, Buswell-Charkow and Allan.

Noes: None. Abstain: None. Absent: Nash and Wells.

5. ODPa STAFF REPORT

Interim Director Lee reported on onboarding new Board members, ongoing work regarding permanent complaint process regulations, and the May 7, 2026 City Council meeting regarding surveillance technologies. Director Lee also announced a hybrid community meeting on May 26, 2026 regarding recruitment for the next Director of Police Accountability.

6. CHAIR AND BOARD MEMBERS' REPORTS

Board Members reported on their activities since the last PAB meeting on April 22, 2026.

7. CHIEF OF POLICE'S REPORT

Deputy Chief Tate provided staffing and recruitment updates, discussed implementation efforts related to the May 7, 2026 City Council actions regarding surveillance technologies, and reported on BPD's proposed acquisition report and surveillance use

policy for an investigative software platform. Board members discussed the RFP process, timing of the acquisition report, and Board participation in the procurement process.

8. SUBCOMMITTEE REPORTS

Subcommittee's report on their activities since the last PAB meeting on April 22, 2026.

9. DISCUSSION AND ACTION ITEMS

- a. Presentation by UC Berkeley's Social Sector Solutions on Recommended Outreach Strategies for the ODPa and PAB (ODPA)

The Board discussed recommended outreach strategies, community engagement efforts, and a proposed longitudinal community perception survey for the ODPa and PAB. No action was taken.

- b. Discussion and Action Regarding Recommendations for PAB Commendations to Berkeley Police Department Officers (Wells & Buswell-Charkow)

Motion to approve the recommendations as presented.

Moved/Second (Wilson/Cayetano) Motion carried.

Ayes: Wilson, Cayetano, Buswell-Charkow and Allan.

Noes: None. Abstain: None. Absent: Nash and Wells.

- c. Discussion and Action Regarding BPD Policy 300 "Use of Force" (Cayetano)

Motion to approve the Chair's recommendation regarding BPD Policy 300 "Use of Force."

Moved/Second (Wilson/Allan) Motion carried.

Ayes: Wilson, Cayetano, Buswell-Charkow and Allan.

Noes: None. Abstain: None. Absent: Nash and Wells.

- d. Discussion and Action Regarding City Council Actions Taken on May 7, 2026 Concerning the BPD's Proposed Surveillance Technology Ordinance, Police Equipment Ordinance Approvals, Policy Updates, and Contract Authority with Flock Safety (ODPA)

Motion to appoint Vice Chair Wilson and Board Member Nash as Tier One observers for the vendor selection process.

Moved/Second (Cayetano/Allan) Motion carried.

Ayes: Wilson, Cayetano, Buswell-Charkow and Allan.

Noes: None. Abstain: None. Absent: Nash and Wells.

- e. Discussion and Action on the BPD's Proposed Acquisition Report and Surveillance Use Policy for Investigative Software (ODPA)

Motion to direct Vice Chair Wilson to draft a letter outlining the Board's recommendations and concerns.

Moved/Second (Cayetano/Allan) Motion carried.

Ayes: Wilson, Cayetano, Buswell-Charkow and Allan.

Noes: None. Abstain: None. Absent: Nash and Wells.

10. PUBLIC COMMENT

1 Physically Present Speakers

0 Virtually Present Speakers

11. CLOSED SESSION**CLOSED SESSION ITEMS**

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

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

ODPA Case No. 2025-CI-0038

Motion to approve the ODPAs' recommendations in ODPAs Complaint 2025-CI-0038.

Moved/Second (Cayetano/Allan) Motion carried.
Ayes: Wilson, Cayetano, Buswell-Charkow and Allan.
Noes: None. Abstain: None. Absent: Nash and Wells.

ODPA Case No. 2025-CI-0041

Motion to approve the ODPAs' recommendations in ODPAs Complaint 2025-CI-0041.

Moved/Second (Cayetano/Wilson) Motion carried.
Ayes: Wilson, Cayetano, Buswell-Charkow and Allan.
Noes: None. Abstain: None. Absent: Nash and Wells.

ODPA Case No. 2026-CI-0013

Motion to Administratively Close ODPAs Complaint 2026-CI-0013.

Moved/Second (Cayetano/Buswell-Charkow) Motion carried.
Ayes: Wilson, Cayetano, Buswell-Charkow and Allan.
Noes: None. Abstain: None. Absent: Nash and Wells.

ODPA Case No. 2026-CI-0014

Motion to Administratively Close ODPAs Complaint 2026-CI-0014.

Moved/Second (Cayetano/Buswell-Charkow) Motion carried.
Ayes: Wilson, Cayetano, Buswell-Charkow and Allan.
Noes: None. Abstain: None. Absent: Nash and Wells.

END OF CLOSED SESSION

12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

Chair Cayetano announced the closed session actions.

13. ADJOURNMENT AT 9:43 PM

Motion to adjourn. Moved/Second (Wilson/Cayetano). The meeting was adjourned at 9:43 PM by unanimous consent.

DRAFT

Item 8
Subcommittee List

Updated on 6/1/2026



SUBCOMMITTEE LIST

Important Note: As of May 15, 2026, the PAB has 7 of its 9 seats filled with one additional Board Members expected in June, resulting in a quorum of 4 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
<p>Policy Reviews Formed 11-08-2023 Scope Expanded 12-11-2024 to include BWC Policy Review</p>	<p>Cayetano [Vacant] <u>Public members:</u> Kitt Saginor</p>	N/A	Deputy Chief Tate Sgt. Rafferty
<p>Metrics & Operations Formed 02-05-2025 after the Budget & Metrics and Operations & Processes Subcommittees were consolidated into one</p>	Wilson Wells	N/A	N/A
<p>Outreach & Engagement Formed 11-08-2023 Scope Expanded 03-02-2024</p>	Wells Buswell-Charkow	N/A	N/A

Updated on 6/1/2026

Formally "Commendations"			
Policies and Practices on Encampment Clearances Formed 6-25-2025	Wells Wilson	TBD	TBD

LIAISON LIST

Liaison Name	Assignment
Cayetano	Represent the PAB in the EIS Update Process
Wilson	Represent the PAB in the Regulations Process

Item 9.a.

**Chair and Vice-Chair Memorandum on PAB
Commendation Recommendations**



MEMORANDUM

Date: June 1, 2026
To: Honorable Members of the Police Accountability Board (PAB)
From: Chair Cayetano and Vice Chair Wilson
Subject: PAB Commendation Recommendations

This memorandum presents motions for commendations of Berkeley Police Department personnel. Each motion identifies the act or incident giving rise to the proposed honor and describes how the conduct meets one or more criteria in Section L(4): exceptional valor, bravery, or heroism; superior handling of a difficult situation; action or performance above and beyond typical duties; or extraordinary compassion, empathy, or kindness.

1. Hit-and-Run / Attempted Homicide Team – Sgt. Castle, Sgt. Quezada, Officer Cole, Officer Kastmiller, and 15+ Others (9/16/25)

Motion: Move to commend Sgt. Castle, Sgt. Quezada, Officer Cole, Officer Kastmiller, PSD Supervisors Edwards and Lockhart, and the 19 personnel across patrol, CSO, and communications commended in Lt. Speelman's memo for their response to a DUI driver who struck two pedestrians on Belrose Avenue, struck a bicyclist at Derby and Warring Streets, and attempted to carjack motorists before being taken into custody using a WRAP restraint. Within ten minutes of the first 911 call, all three scenes were secured, the suspect was in custody, and all victims were in route to the hospital. This conduct meets Section L(4)(b), superior handling of a difficult situation, and Section L(4)(c), action or performance above and beyond typical duties.

2. Home Invasion Robbery Team – Sgts. Edwards, Bejarano, Shivas, Quezada; Detectives and Officers (10/10/25)

Motion: Move to commend Sgts. Edwards, Bejarano, Shivas, and Quezada, and the detectives and officers of the home invasion robbery investigation team, for their sustained weeks-long investigation into a series of violent home invasion robberies targeting women across Berkeley, culminating in a coordinated arrest in which the suspect rammed multiple police vehicles, drove directly at an officer, fled on foot, and attempted a carjacking. Sgt. Bejarano tackled the suspect to interrupt the carjacking; Sgt.

Quezada conducted undercover surveillance throughout the investigation. This conduct meets Section L(4)(b), superior handling of a difficult situation, and Section L(4)(c), action or performance above and beyond typical duties.

3. Shooting Investigation Team – Officer Whyel and Officers/CSOs (10/12/25)

Motion: Move to commend Officer Whyel and the officers and CSOs of the shooting investigation team for their response to a shooting at an occupied dwelling, including canvassing the area, gathering witness statements, securing surveillance video, and identifying both the suspected shooter Ernest Portlock and the getaway driver Lanika Connors, leading to Portlock's arrest at SFO. This conduct meets Section L(4)(c), action or performance above and beyond typical duties.

4. Officer C. Coria – Response to Sudden Death Call (11/24/25)

Motion: Move to commend Officer C. Coria for providing exceptional empathy, compassion, and calm guidance to a resident, her husband, and their neighbors during the sudden death of their friend, neighbor, and landlord, leaving a lasting and healing impression on a grieving household. This conduct meets Section L(4)(d), extraordinary compassion, empathy, or kindness.

5. Communications Center – Supervisor PSD Lockhart, PSD II Maloney, PSD I Bueno, Sgt. Nabozny (1/18/26)

Motion: Move to commend Supervisor PSD Lockhart, PSD II Maloney, PSD I Bueno, and Sgt. Nabozny for immediately absorbing Albany PD's full 911 and non-emergency call overflow for approximately five hours during a major technical outage while continuing to manage Berkeley's own call volume, in recognition of which Albany PD's sergeant wrote directly to Chief Louis. This conduct meets Section L(4)(c), action or performance above and beyond typical duties.

6. Poe Street Fire Dispatch Team – PSD Supervisor Lockhart, PSD II Calhoun, PSD II Kwong, Officers Kirkbride and Hartley (2/4/26)

Motion: Move to commend PSD Supervisor Lockhart, PSD II Calhoun, PSD II Kwong, Officer Kirkbride, and Officer Hartley for simultaneously managing fire dispatch, multiple medical calls, a person-with-a-gun call, and additional disturbances during the Poe Street structure fire while down all five Berkeley ambulances with none available from outside agencies. This conduct meets Section L(4)(b), superior handling of a difficult situation, and Section L(4)(c), action or performance above and beyond typical duties.

7. Officers Shivas, Driscoll, Fry, and Others – Central Library Response (2/5/26)

Motion: Move to commend Officers Shivas, Driscoll, Fry, and their fellow responding officers for their response to a potentially armed and aggressive individual at the Central

Library, issuing and enforcing a no-trespass order and making an arrest while treating the individual with consistent restraint and dignity, prompting Library Director Bill Kolb to specifically commend their human-centered approach to public safety. This conduct meets Section L(4)(b), superior handling of a difficult situation, and Section L(4)(d), extraordinary compassion, empathy, or kindness.

8. Records Team – OSS Latargie, OS III Christy, OS II Belt, Felts, and Clementin (2/6/26)

Motion: Move to commend the Records team (OSS Latargie, OS III Christy, OS II Belt, Felts, and Clementin, led by Records Supervisor Norman) for achieving a 1% error rate in the department's annual data submission to the Department of Justice, an accomplishment requiring year-long effort and work well outside the team's regular daily responsibilities, as recognized by Captain Turner. This conduct meets Section L(4)(c), action or performance above and beyond typical duties.

Item 9.b.

Draft Sections of the 2025 PAB-ODPA Annual Report

SECTION 1

INVESTIGATIVE PROCESSES AND PROCEDURES

(Required by Charter Section 125(16)(B)(2))

1 INVESTIGATIVE PROCESSES AND PROCEDURES

2 (Required by Charter Section 125(16)(B)(2))

3 The PAB and ODPA are responsible for receiving and addressing complaints of
4 misconduct involving sworn members of the BPD, consistent with Section 125(18) of the
5 City Charter and the PAB's Interim Regulations for Handling Complaints Against Sworn
6 Officers of the Police Department. The following provides a step-by-step overview of that
7 process.

8 Step 1 – Filing of a Complaint

9 Complaints may be submitted by individuals directly impacted by the alleged misconduct,
10 eyewitnesses, or their authorized representatives. Community members may file a
11 complaint through the ODPA's online Sivil Technologies portal, or by submitting a paper
12 complaint in person or by mail. Complaints must generally be filed within 180 days of the
13 incident, unless applicable tolling provisions apply. In lieu of a formal investigation,
14 complainants may elect to pursue mediation, where appropriate.

15 Step 2 – Intake, Screening, and Investigation

16 Upon receipt, the Director conducts an initial review to determine whether the complaint
17 meets established sufficiency standards. If accepted, a Notice of Complaint is issued to
18 the subject officer(s) within twenty-eight (28) days. Investigations are to be completed
19 within 120 to 195 days, depending on the circumstances of the case.

20 Investigations are conducted in a thorough, objective, and impartial manner and may
21 include, but are not limited to:

- 22 • Interviews with complainants, witnesses, and involved officers
- 23 • Review of relevant materials, including reports, photographs, and video evidence
- 24 • Site visits to locations relevant to the incident

25 Step 3 – Findings and Recommendations

26 At the conclusion of the investigation, the Director prepares and submits a report to the
27 PAB setting forth findings of fact and recommended determinations. The PAB may either
28 accept the Director's recommendations, modify the ODPA's recommended findings, or
29 direct that the matter proceed to a hearing.

30 If the PAB accepts the recommendations, the findings are transmitted to the Chief of
31 Police, who may concur or disagree. In the event of disagreement, the matter may be
32 referred to the City Manager for final determination.

- 1 If the PAB directs that a hearing be held, a three-member panel of the PAB convenes a
- 2 closed-session hearing to conduct additional fact-finding. Both the complainant and the
- 3 subject officer are required to provide testimony. Following deliberation, the panel
- 4 renders findings on each allegation, which are then forwarded to the Chief of Police for
- 5 consideration.

INVESTIGATIVE PROCESS OVERVIEW

The following diagram provides an overview of the process for handling complaints of misconduct involving sworn members of the BPD.



SECTION 2

ANALYSIS OF COMPLAINTS AND DISPOSITIONS

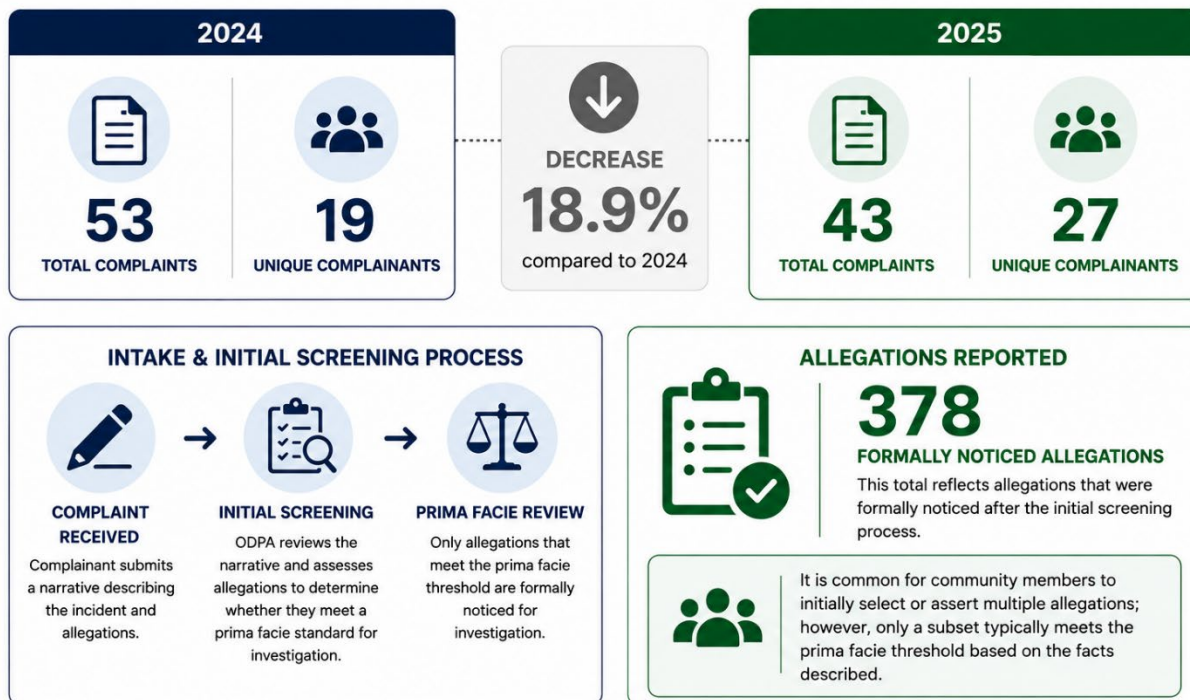
(Required by Charter Section 125(16)(B)(1)(i) -
125(16)(B)(1)(ii))

ANALYSIS OF COMPLAINTS AND DISPOSITIONS

(Required by Charter Section 125(16)(B)(1)(i) - 125(16)(B)(1)(ii))

In 2025, ODPa received a total of 43 complaints, submitted by 27 unique complainants. This represents an 18.9% decrease in total complaints compared to 2024, during which 53 complaints were received. Despite the decline in overall complaint volume, the number of unique complainants increased from 19 to 27, indicating that complaints were submitted by a broader group of community members than in the prior year. Following intake, each complaint undergoes an initial screening process during which the complainant's allegations are reviewed to determine whether they establish a prima facie basis for investigation. In other words, the Director assesses whether the facts alleged, if true, could constitute misconduct or a violation of law, policy, or procedure. As such, the total of 378 allegations reported here reflect those that were formally noticed after this review process. It is common for community members to initially select or assert multiple allegations; however, only a subset typically meets the *prima facie* threshold based on the facts described.

COMPLAINTS OVERVIEW



These figures include complaints and allegations received and processed by ODPa in 2024 and 2025.

Complaint activity also varied over the course of the year. The quarterly distribution of complaints was as follows: Q1: [14], Q2: [7], Q3: [10], and Q4: [12]. This

1 distribution provides additional context for understanding when complaints are most
 2 frequently received and how workload is distributed across the year. Due to the timing of
 3 when complaints are received, as well as the investigative steps required for each case,
 4 complaints received later in the year, particularly in the third and fourth quarters, are more
 5 likely to remain open at year-end and be closed in the following calendar year.

Complaints Received by Quarter, 2025

A quarterly breakdown of complaints received throughout 2025



43
Total Complaints
in 2025



14
Highest Quarter
in Q1

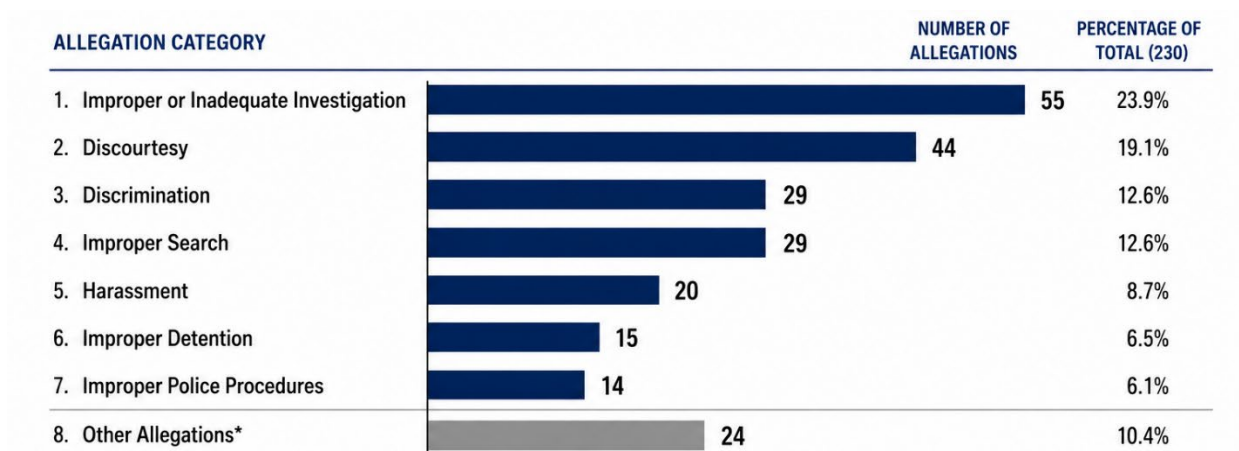


6
 7 Consistent with this timing dynamic, case processing in 2025 included both newly
 8 received complaints and those carried over from the prior year for a total of [31] closed
 9 cases. A total of [7] cases received in 2024 were closed during 2025, contributing to
 10 overall case resolution efforts. At the same time, [19] cases initiated in 2025 remained
 11 open at the close of the year, reflecting ongoing investigative work and standard
 12 processing timelines. As a result, annual closure figures reflect a combination of cases
 13 initiated in both the current and prior reporting periods, rather than aligning exclusively
 14 with complaints received within the same calendar year.

15 Investigative Outcomes

16 This section examines the investigative outcomes of complaints filed against BPD sworn
 17 personnel and the disposition of the 230 allegations reviewed by the PAB during the
 18 reporting period. The most frequently identified allegation categories were Improper or
 19 Inadequate Investigation (55 allegations, 23.9%), Discourtesy (44 allegations, 19.1%), and
 20 both Discrimination and Improper Search (29 allegations each, 12.6%). Additional

1 allegations involved Harassment, Improper Detention, and Improper Police Procedures,
 2 reflecting the broad range of concerns raised through the complaint process.



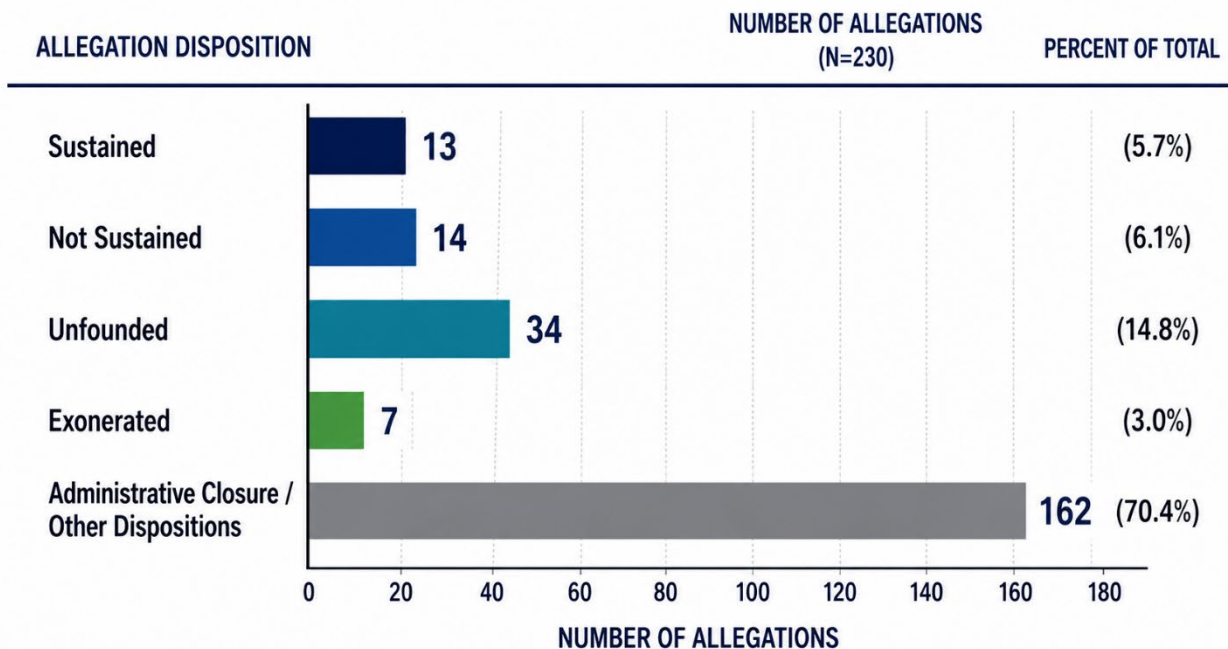
*Other Allegations include categories with fewer than 14 allegations each, including Use of Force, False Arrest, Threats, and other misconduct-related allegations.

Totals may not sum to 100% due to rounding.

3
 4 Following investigation, allegations were assigned one of several disposition categories.
 5 A sustained finding indicates that the alleged conduct occurred and was not justified. A
 6 not sustained finding indicates that the available evidence was insufficient to prove or
 7 disprove the allegation. An unfounded finding indicates that the alleged conduct did not
 8 occur. An exonerated finding indicates that the conduct occurred but was lawful, justified,
 9 and within policy. Administrative closures occur when a complaint is closed without a
 10 confidential personnel hearing for procedural or jurisdictional reasons, such as the
 11 absence of a prima facie allegation of misconduct, withdrawal by the complainant,
 12 inability to contact or obtain cooperation from the complainant, mootness, or other
 13 circumstances that prevent further investigation.

14 Of the 230 allegations reviewed by the PAB, 13 (5.7%) were sustained, 14 (6.1%) were not
 15 sustained, 34 (14.8%) were unfounded, and 7 (3.0%) were exonerated. The remaining
 16 allegations were resolved through administrative closure or other procedural

1 dispositions.



2

3 Agreement Rate Analysis

4 The agreement rate remains an important measure of alignment between the PAB, Chief
 5 of Police, and City Manager within Berkeley's police accountability framework. In 2025,
 6 the PAB reviewed 69 allegations that also received findings from the Chief of Police. Of
 7 these, the PAB and Chief reached the same finding in 19 instances, resulting in an
 8 agreement rate of 27.54 percent. Among the allegations where agreement was reached,
 9 the most common disposition was Unfounded. Of the 19 allegations where the PAB and
 10 Chief agreed, 16 were determined to be Unfounded.

11 The City Manager reviewed 20 allegations stemming from four cases during 2025. Of
 12 those allegations, the City Manager issued findings on five allegations. In the five
 13 allegations where findings were issued, the City Manager agreed with the PAB's findings
 14 in one instance (20.0 percent) and agreed with the Chief's findings in four instances (80.0
 15 percent).

16 Compared to 2024, when the PAB and Chief agreed on 60.82 percent of reviewed
 17 allegations, the 2025 agreement rate reflects a decrease in overall alignment between the
 18 two bodies. While agreement rates may vary from year to year based on the cases
 19 reviewed and the findings reached, these differences illustrate the independent roles of
 20 the PAB, Chief of Police, and City Manager within Berkeley's police accountability system.
 21 Together, these layers of review provide multiple opportunities for evaluation and
 22 oversight before investigative findings become final.

1 BPD Complaint Data

2 In 2025, the Berkeley Police Department received a total of 58 personnel complaints,
3 including 42 external complaints and 16 internal complaints. Of the 42 external
4 complaints, 33 were received through the Police Accountability Board and 42 through the
5 Internal Affairs Bureau; however, these figures are not additive due to overlap from dual-
6 filed complaints. Of the total complaints received, 15 were sustained, including 14 internal
7 complaints and 1 external complaint. A total of 18 complaints were administratively
8 closed, and 17 complaints remained active at the time of reporting.

9 A total of 261 individual allegations were associated with these complaints. The most
10 common allegation categories were Improper Procedure (54), Inadequate Investigation
11 (50), Improper Stop/Search/Seizure/Arrest (38), Discourtesy (33), and Discrimination
12 (31). Of the total allegations reviewed, 20 were sustained, 7 were not sustained, 12 were
13 exonerated, and 35 were unfounded. Additionally, 70 allegations were administratively
14 closed and 117 remained active at the time of reporting. Improper Procedure accounted
15 for the largest number of sustained allegations (12), followed by Inadequate Investigation
16 (5).



**Berkeley Police Department
Memorandum**



2025 INTERNAL AFFAIRS BUREAU STATISTICS

Complaints							
	Complaints Received	Sustained	Not Sustained	Exonerated	Unfounded	Admin Closed	Active Complaints
External PAB	33						
*External IAB	42						
*Total External	42	1	1	2	5	17	16
**Total Internal	16	14	0	0	0	1	1
Total Complaints	58	15	1	2	5	18	17
Allegations							
	Received	Sustained	Not Sustained	Exonerated	Unfounded	Admin Closed	Active
Improper Use of Force	26	2	0	0	3	5	16
Discourtesy	33	1	0	0	9	6	17
Improper Stop/Search/Seizure/Arrest	38	0	0	2	1	17	18
Inadequate Investigation	50	5	1	0	9	14	21
Improper Detention (Jail)	0	0	0	0	0	0	0
Discrimination	31	0	0	0	6	9	16
Harassment	13	0	0	1	4	4	4
Improper Procedure	54	12	3	8	3	12	16
Improper Citation / Tow	7	0	0	1	0	2	4
Other	6	0	0	0	0	1	5
Dishonesty	3	0	3	0	0	0	0
Total Allegations	261	20	7	12	35	70	117

These statistics include complaints on all employees of the Police Department.

*Complaints accepted by the PAB (or dual-filed) are counted in the total number of External IAB Complaints.

**Internal complaints include at-fault vehicle collisions.

SECTION 3

PAB'S POLICY WORK IN 2025

(Required by Charter Section 125(16)(B)(1)(III))

1 **PAB’S POLICY WORK IN 2025**

2 (Required by Charter Section 125(16)(B)(1)(III))

3 The following section provides an overview of the Police Accountability Board’s
4 policy work in 2025, pursuant to Section 125(16)(b)(1)(iii) of the Berkeley City Charter,
5 which requires reporting on policy complaints undertaken by the Board. While policy
6 complaints constitute one basis for initiating such work, the Board’s policy review
7 function is not limited to those complaints and may also be undertaken on the Board’s
8 own initiative or in response to requests or identified needs of the City. This section
9 summarizes the policy reviews received and the Board’s consideration of the issues and
10 topics that arose over the course of the year.

11 **Policy Complaints**

12 In 2025, the PAB received a total of seven policy complaints from members of the
13 public. Each complaint was evaluated to determine whether it raised issues appropriate
14 for formal policy review and within the Board’s jurisdiction. Of these submissions, three
15 were accepted for further review, while four were not accepted. By the end of the calendar
16 year, the Board had completed review of one policy matter. These complaints, whether
17 accepted or not, contributed to the Board’s broader understanding of emerging issues
18 and informed its ongoing policy oversight work.

Category	Number	Topics
Accepted for Review	3	<ul style="list-style-type: none"> • Contact Between Complaint Subject Officer and Complainant During Calls for Service • Public Recording of Police Activity • Encampment Clearing Operations
Not Accepted for Review	4	<ul style="list-style-type: none"> • Investigations of Collisions with Pedestrians • LED Lights • Officer Cell Phone Usage While in Vehicle • Uncategorized
Completed Reviews	1	<ul style="list-style-type: none"> • Detention of Inebriated Individuals

19 Six policy review matters from prior years remained open at the close of 2025,
20 reflecting a mix of reviews initiated between 2023 and 2025 as well as topics identified
21 for potential review that were subsequently suspended. These matters address specific
22 policy areas, including use of force practices, medical and mental health response during
23 law enforcement interactions, and administrative procedures such as record retention
24 and enforcement practices. Several topics were suspended and remain pending

1 reassessment, including involuntary injections and medical care during encounters, use
 2 of force during arrest, and the role of the Specialized Care Unit.

3 Progress on these matters was affected by fluctuations in Board membership and
 4 staffing changes, which impacted review timelines and required a shift in available
 5 capacity toward more time-sensitive and resource-intensive work. As a result, certain
 6 reviews were deferred. The outstanding items remain under active consideration for
 7 future work as capacity allows, and their status reflects prioritization decisions rather
 8 than a lack of significance. All outstanding and suspended items are anticipated to be
 9 reconsidered as part of the FY 2026–27 workplan and will be subject to reassessment as
 10 membership increases and staffing stabilizes.

11 Policy Subcommittees

12 A key objective of the Board was to streamline its subcommittee structure to
 13 enhance manageability, clarity, and effectiveness. This effort reduced reliance on ad hoc
 14 subcommittees and consolidated work within a smaller number of standing
 15 subcommittees with clearly defined scopes and responsibilities. The Board concluded
 16 2025 with six (6) subcommittees, a reduction from twelve (12) in 2024. While changes in
 17 membership affected the continuity of some subcommittee work, unaffected
 18 subcommittees continued to make substantive progress. This streamlined structure
 19 supports greater continuity, improved coordination, and a more efficient approach to
 20 advancing the Board’s policy and oversight functions. A summary of the subcommittees
 21 established by the Board, and their respective purposes, is provided below.

Subcommittee	Stated Purpose	Establishment Date	Status as of 12/31/2025
Regulations	Served as the PAB’s liaison in the meet-and-confer process to develop permanent PAB-ODPA regulations for handling complaints against sworn officers.	07-07-2021	Active
Fair & Impartial Policing Implementation	Monitored and assessed BPD’s implementation of the City Council’s Fair and Impartial Policing initiatives.	08-04-2021	Disbanded 05-21-2025
Surveillance Technology Policy	Reviewed BPD surveillance technology acquisition reports in accordance with BMC 2.99.030(2).	06-07-2023	Disbanded 03-19-2025
Downtown Task Force & Bike Unit Allegations	Reviewed BPD policies, practices, and procedures related to allegations involving inappropriate text messages within the Downtown Task Force and Bike Unit.	11-15-2022	Disbanded 03-19-2025
Conflict of Interest	Explored legal questions regarding potential conflicts of interest arising	03-29-2023	Disbanded 02-25-2025

Subcommittee	Stated Purpose	Establishment Date	Status as of 12/31/2025
	from the PAB and BPD both being represented by the City Attorney’s Office.		
Policy Reviews	Oversaw the conversion of general orders to Lexipol-format policies, updates to BPD policies, and other policy reviews requested by the PAB.	11-08-2023	Active
Budget & Metrics	Analyzed the budgets of the PAB and BPD and developed metrics to assess organizational outcomes.	11-08-2023	Disbanded 02-25-2025
Outreach & Engagement	Developed PAB-ODPA outreach and engagement strategies and reviewed officer commendations.	11-08-2023	Active
Off-Duty Conduct	Reviewed BPD Policy 344 concerning off-duty law enforcement actions.	10-11-2023	Active
Operations & Processes	Assessed ODPA-PAB operations and processes to improve efficiency and organizational effectiveness.	03-02-2024	Disbanded 02-25-2025
BPD Policies 1010 & 1034 Review	Reviewed BPD Policies 1010 and 1034 concerning procedures for reviewing personnel complaints.	09-25-2024	Active
Metrics & Operations	Outlined ODPA-PAB operational goals and the development of organizational metrics.	02-25-2025	Active
Arrest Quota Prohibition	Reviewed the development of the arrest quota prohibition policy with BPD.	05-21-2025	Active
Encampment Clearance Policies & Practices	Reviewed encampment clearance practices and incidents identified in ODPA 2025-PR-0004 and 2025-PR-0005.	06-25-2025	Active

Oversight of Policies, Practices, and Emerging Issues

In 2025, the PAB reviewed a range of policy issues arising from its independent oversight responsibilities, routine review functions, and matters brought forward by developments within BPD, City administration, and the broader community. These efforts complemented the Board's work on individual complaints and policy complaint investigations and reflected its ongoing role in evaluating policies, practices, technologies, and operational decisions that may affect public trust and accountability.

Much of the Board's policy work focused on emerging technologies and the frameworks governing their use. The Board reviewed surveillance technology matters, including the proposed expansion of automated license plate reader technology and annual surveillance technology reporting, examining issues related to privacy, data-sharing practices, and public transparency. The Board also reviewed proposed

1 amendments to the Police Equipment and Community Safety Ordinance and
2 recommended preserving Berkeley's local oversight framework while identifying
3 opportunities to improve administrative efficiency and reporting processes.

4 The Board examined technologies that may shape future policing practices.
5 Anticipating future discussions regarding Unmanned Aircraft Systems and Drone as First
6 Responder programs, the Board voted to continue its collaboration with the UC Berkeley
7 School of Law Criminal Law and Justice Center to support independent research and
8 analysis of these technologies in advance of future policy discussions. The Board also
9 directed ongoing monitoring of developments related to AI-assisted report writing
10 technologies and requested periodic updates regarding their use and advancement.
11 These discussions stemmed from issues identified during the Board's review of the
12 Police Department's 2024 annual reporting and reflected an interest in understanding
13 how emerging technologies may affect policing practices and accountability.

14 Across these and other policy discussions, the Board emphasized informed
15 decision-making, meaningful public engagement, and independent civilian oversight. In
16 addition to evaluating specific proposals and technologies, the Board frequently
17 considered whether significant policy changes were accompanied by sufficient
18 opportunities for public review and deliberation. Collectively, these efforts reflected the
19 Board's commitment to ensuring that policing policies, practices, and technologies
20 remain subject to thoughtful analysis and public accountability. Many of the matters
21 reviewed in 2025 remained under active consideration at year-end. As policing
22 technologies, legal frameworks, and community expectations continue to evolve, the
23 Board expects these and related issues to remain important areas of oversight in future
24 years.

SECTION 4

**BPD TRENDS AND PATTERNS IN VEHICLE AND
PEDESTRIAN STOPS, AND OTHER ENFORCEMENT
ACTIVITIES**

(Required by Charter Section 125(16)(B)(5))

1 BPD TRENDS AND PATTERNS IN VEHICLE AND 2 PEDESTRIAN STOPS, AND OTHER ENFORCEMENT 3 ACTIVITIES

4 (Required by Charter Section 125(16)(B)(5))

5 Stop data refers to the information collected during officer-initiated encounters, including
6 vehicle and pedestrian stops, citations, arrests, searches, and related enforcement
7 activities by BPD. As required under Section 125(16)(b)(5) of the Berkeley City Charter,
8 the following section presents an overview of trends and patterns in these activities. This
9 data provides a standardized record of when, where, and why stops occur, as well as the
10 actions taken and outcomes of those interactions, and can help illustrate general patterns
11 in policing activity over time. Its strengths include the use of consistent reporting
12 categories that support trend analysis, comparisons across time periods, and
13 examination of specific enforcement actions, such as searches or arrests, while also
14 enhancing transparency by making aggregate patterns more visible.

15 At the same time, stop data has important limitations. It is based on officer-reported
16 information, including perceived demographic characteristics rather than self-identified
17 data, which may introduce inaccuracies. It captures only recorded stops and does not
18 reflect unreported interactions or broader community-police dynamics. The data also
19 does not provide full context for each encounter, such as the circumstances or decision-
20 making factors that may influence an officer's actions. Accordingly, while stop data can
21 illuminate important patterns and disparities, it should be interpreted with appropriate
22 caution and in conjunction with qualitative context and other sources of information.

23 Methodological Considerations and Analytical Limitations

24 The analyses contained within this section were conducted using stop data reported by
25 the Berkeley Police Department pursuant to California RIPA (Racial Profiling and Identity
26 Act) reporting requirements. The dataset reflects individual stop records reported during
27 2025, meaning that a single police encounter involving multiple individuals may generate
28 multiple stop records within the dataset. Unless otherwise noted, percentages were
29 calculated using aggregate stop-level records contained within the 2025 dataset.

30 The dataset utilized for this analysis was downloaded on January 9, 2026. Because BPD
31 periodically updates, corrects, or supplements stop data, slight variations may exist
32 between the figures presented in this report and future versions of the dataset.

33

1 Several analyses included within this report, particularly those involving temporal
2 demographic distributions, stop-type comparisons, housing-status comparisons, and
3 post-stop search-rate analysis, are intended to identify broad patterns and disparities
4 within the data rather than establish definitive causal conclusions regarding officer intent
5 or discriminatory conduct.

6 Certain variables within the dataset, including discretionary search classifications,
7 contraband recovery fields, housing-status indicators, and behavioral health-related
8 contact categories, contain operational and reporting limitations that may affect
9 analytical precision. Accordingly, several percentage-based analyses should be
10 interpreted as approximate distributions intended to illustrate general trends within the
11 dataset.

12 Additionally, some demographic categories reflected comparatively small sample sizes
13 within the 2025 dataset. Descriptive statistics for these groups are included for
14 completeness and transparency; however, caution should be exercised when interpreting
15 comparative disparities involving smaller demographic categories because limited
16 sample sizes may produce unstable percentage distributions and reduce statistical
17 reliability.

18 The analyses presented in this section are best understood as descriptive and contextual
19 assessments grounded in accepted policing research methodologies rather than
20 definitive determinations regarding the presence or absence of discriminatory policing
21 practices.

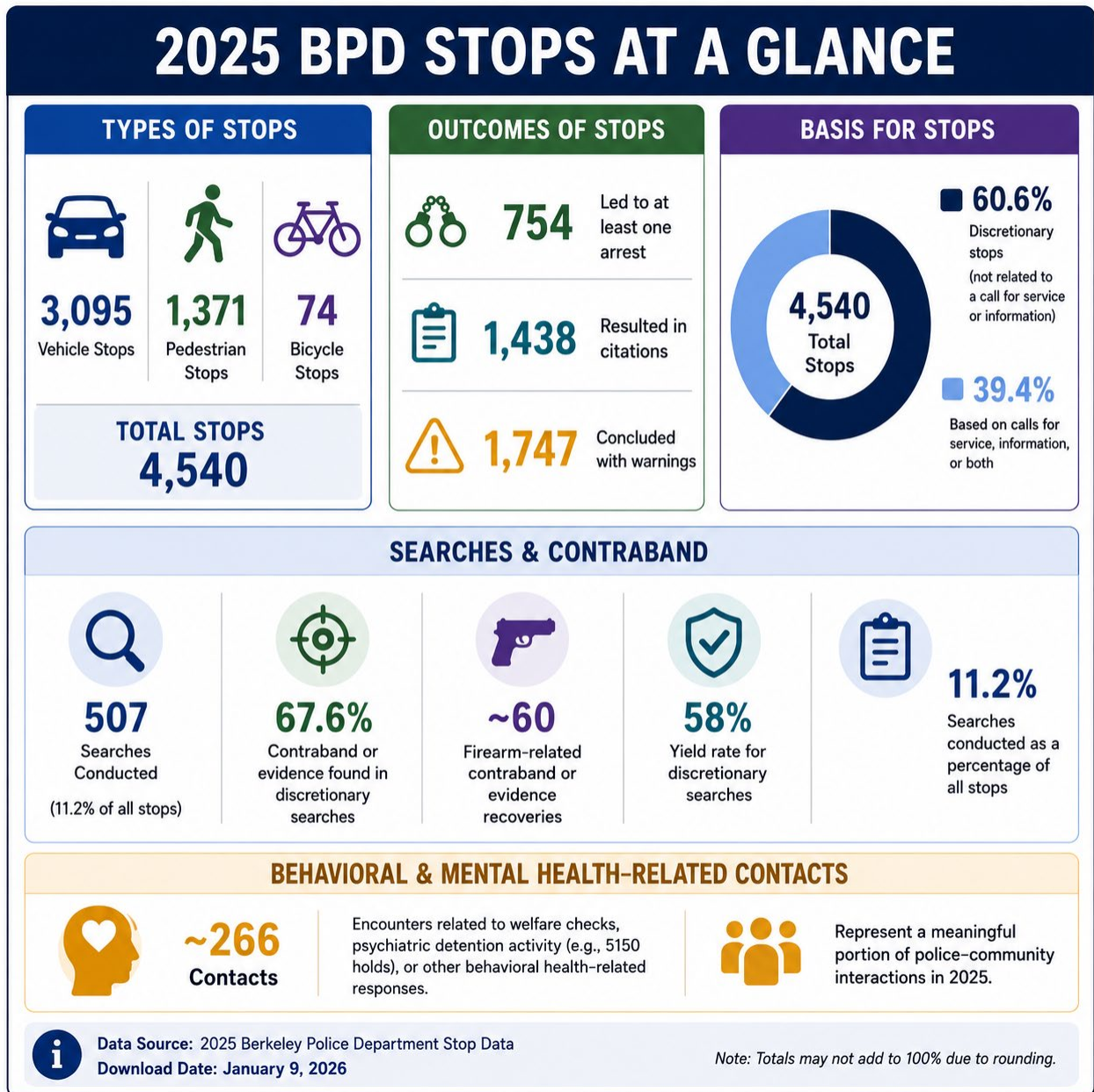
22 Stop Data Overview

23 In 2025, BPD conducted a total of 4,540 stops, including 3,095 vehicle stops, 1,371
24 pedestrian stops, and 74 bicycle stops. Approximately 60.6% of these encounters were
25 discretionary in nature, while the remaining 39.4% were associated with calls for service,
26 information-based stops, or both.

27 Of all stops conducted, 754 resulted in at least one arrest, 1,438 led to citations, and 1,747
28 concluded with warnings. Searches were conducted in approximately 11.2% of all stops,
29 totaling 507 searches.

30 Analysis of discretionary search outcomes indicated an estimated contraband or
31 evidence recovery rate of approximately 67.6%; however, search classification and
32 evidence fields within the dataset contain methodological limitations that may affect
33 precision. The dataset also documented approximately 60 firearm-related contraband or
34 evidence recoveries during stop activity.

1 Behavioral and mental health-related encounters represented a meaningful portion of
 2 police-community interactions during the reporting period, with approximately 266
 3 contacts associated with welfare checks, psychiatric detention activity, or behavioral
 4 health-related response incidents.



5

6 Demographics of Individuals Being Stopped and Bias Assessment

7 The 2025 stop dataset reported by the Berkeley Police Department (BPD) included
 8 approximately 4,540 person-level stop records documenting traffic stops, pedestrian
 9 stops, bicycle stops, and other detention-related encounters occurring during the
 10 reporting period. Consistent with California RIPA reporting requirements, demographic

1 variables reflected throughout this section are based on officer-perceived demographic
2 classifications recorded at the time of the stop.

3 The purpose of this section is twofold:

- 4 1. to provide a descriptive overview of the demographic characteristics of individuals
5 subjected to police contact during 2025; and
- 6 2. to conduct a supplemental assessment of racial and ethnic disparities utilizing
7 methodologies commonly accepted within policing research, procedural justice
8 literature, and California RIPA analytical frameworks.

9 The analytical framework utilized in this review incorporates:

- 10 • descriptive demographic analysis,
- 11 • population-based assessment,
- 12 • residency contextualization,
- 13 • temporal demographic analysis,
- 14 • stop-type analysis,
- 15 • housing-status contextualization,
- 16 • and post-stop outcome disparity analysis.

17 Collectively, these methodologies provide a stronger and more scientifically grounded
18 assessment than reliance on any single statistical test alone.

19 Population estimates referenced throughout this section were derived from the January
20 2026 U.S. Census Bureau American Community Survey (ACS) 5-Year Estimates for the
21 City of Berkeley. Stop data was derived from 2025 RIPA stop records reported by BPD and
22 reviewed by ODPa.

23 Some demographic categories reflected comparatively small sample sizes within the
24 2025 dataset. As a result, descriptive statistics for these groups are included for
25 completeness and transparency; however, caution should be exercised when interpreting
26 comparative disparities because small sample sizes can produce unstable percentage
27 distributions and limit statistical reliability.

28 *Perceived Race and Ethnicity*

29 The ODPa first reviewed the racial and ethnic composition of individuals subjected to
30 police stops during 2025.

31

Perceived Race/Ethnicity	Stops	Percentage of Stops
--------------------------	-------	---------------------

Black/African American	1,450	31.9%
White	1,412	31.1%
Hispanic/Latine(x)	862	19.0%
Middle Eastern/South Asian	359	7.9%
Asian	348	7.7%
Multiracial	77	1.7%
Pacific Islander	26	0.6%
Native American	6	0.1%

1 Black/African American individuals represented the largest demographic category
 2 among individuals stopped during 2025, accounting for approximately 31.9% of all stop
 3 records. White individuals accounted for approximately 31.1% of stop records, while
 4 Hispanic/Latine(x) individuals accounted for approximately 19.0%.

5 Asian individuals and Middle Eastern/South Asian individuals each accounted for
 6 approximately 8% of stop records, while smaller proportions of stops involved individuals
 7 perceived as multiracial, Pacific Islander, or Native American.

8 The demographic distribution of stop activity demonstrates measurable racial disparities
 9 when compared to Berkeley's residential population demographics. However, modern
 10 policing research consistently recognizes that stop disparities are influenced by a
 11 combination of policing activity, exposure-related factors, and broader social conditions
 12 rather than policing practices alone.

13 Research in procedural justice, criminology, transportation planning, homelessness
 14 studies, and urban sociology consistently demonstrates that police-contact exposure is
 15 affected by numerous factors independent of officer bias, including:

- 16 • commuter patterns,
- 17 • public-space exposure,
- 18 • housing instability,
- 19 • behavioral health crises,
- 20 • socioeconomic inequality,
- 21 • traffic density,
- 22 • geographic deployment patterns,
- 23 • nightlife activity,
- 24 • calls for service,
- 25 • and differential rates of time spent in public settings.

1 As a result, demographic disproportionality alone is not considered scientifically
 2 sufficient to establish discriminatory policing.

3 Native American, Pacific Islander, and multiracial demographic categories represented
 4 comparatively small proportions of the overall dataset. Accordingly, statistical
 5 comparisons involving these groups should be interpreted cautiously because small
 6 sample sizes may produce unstable rates and limit the reliability of comparative analysis.

7 *Population-Based Assessment*

8 ODPa and the PAB reviewed stop demographics relative to Berkeley’s residential
 9 population demographics.

10 Population-based assessments are widely used within policing research because they
 11 provide a descriptive benchmark comparing:

- 12 • the racial and ethnic composition of individuals stopped; and
- 13 • the racial and ethnic composition of the city’s residential population.

14

Race/Ethnicity	Percentage of Stops	Berkeley Residential Population*
Black/African American	31.9%	7.8%
White	31.1%	54.6%
Hispanic/Latine(x)	19.0%	11.8%
Asian	7.7%	20.6%
Multiracial	1.7%	Not Separately Reported
Pacific Islander	0.6%	0.3%
Native American	0.1%	0.4%

15 *Source: U.S. Census Bureau American Community Survey (ACS) 5-Year Estimates.

16 The population-based comparison demonstrates substantial disproportionality between
 17 stop demographics and Berkeley’s residential demographics, particularly for
 18 Black/African American individuals.

19 At the same time, population-based benchmarking has significant methodological
 20 limitations that are widely acknowledged within policing research and California RIPA
 21 guidance. Berkeley functions as a regional employment, educational, commercial, and
 22 transportation hub with substantial commuter and visitor activity. Consequently, the
 23 population exposed to police enforcement activity differs significantly from the city’s
 24 residential population.

25 Approximately half of all individuals stopped during 2025 were identified as non-Berkeley
 26 residents.

Residency Status	Stops	Percentage
Non-Berkeley Resident	2,246	49.5%

Berkeley Resident	2,058	45.3%
Unknown/Not Recorded	236	5.2%

1 This finding substantially limits the reliability of residential census comparisons as
2 standalone indicators of bias because residential demographics do not represent the
3 actual population exposed to police contact within Berkeley during a given period.

4 For this reason, policing researchers and the California RIPA Board generally regard
5 population-based assessments as useful descriptive tools, but insufficient on their own
6 to establish discriminatory policing practices.

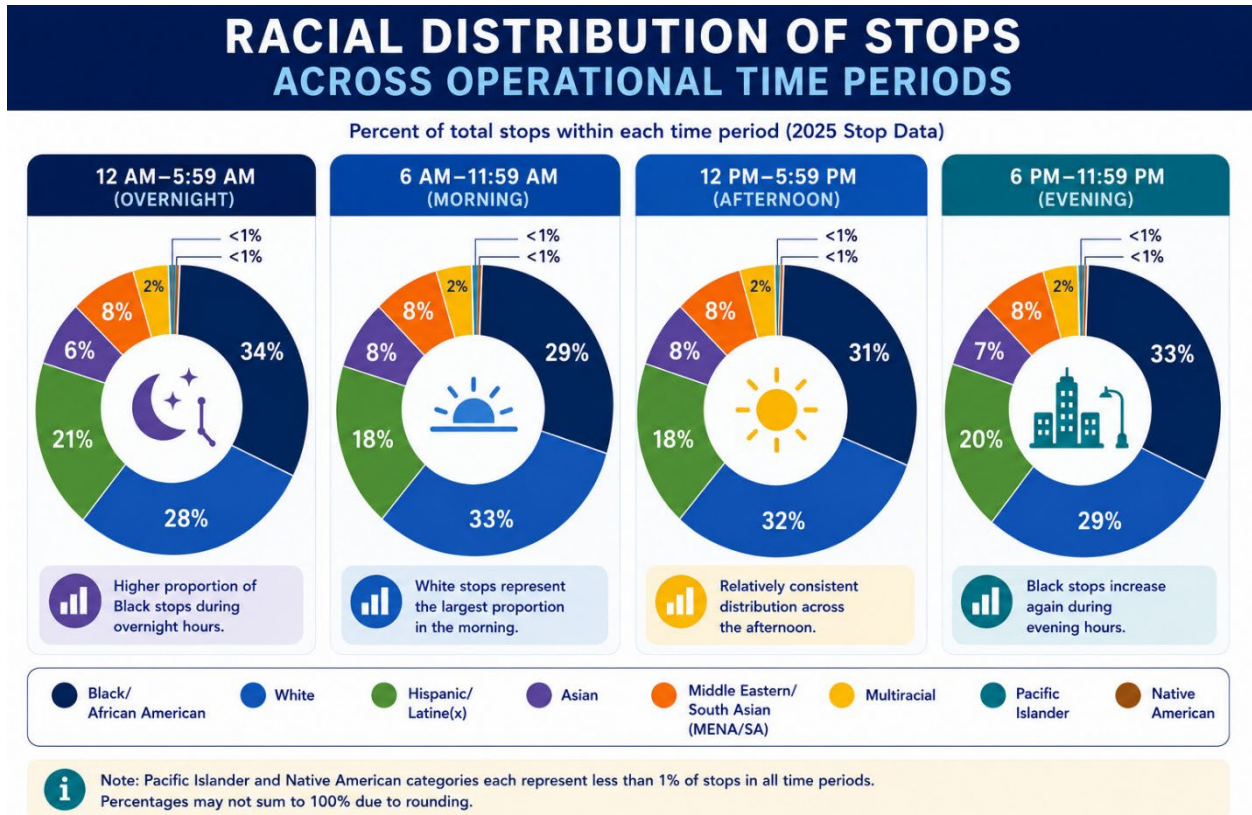
7 *Temporal Demographic Analysis*

8 To supplement traditional population-based assessments, ODPa and the PAB reviewed
9 whether racial and ethnic stop distributions remained relatively stable across differing
10 operational time periods.

11 This analysis expands upon the veil-of-darkness methodology commonly used within
12 policing research and the BPD by evaluating stop demographics across broader
13 operational environments rather than solely daylight-versus-darkness conditions.

14 The analysis reviewed stop activity across:

- 15 • overnight hours (12:00 a.m.–5:59 a.m.),
- 16 • morning hours (6:00 a.m.–11:59 a.m.),
- 17 • afternoon hours (12:00 p.m.–5:59 p.m.), and
- 18 • evening hours (6:00 p.m.–11:59 p.m.).



1

2 The analysis showed that racial and ethnic distributions remained comparatively stable
 3 across operational periods, with only moderate variation between daytime and nighttime
 4 stop activity.

5 Black/African American individuals represented approximately one-third of overnight and
 6 evening stop activity, while White individuals represented a somewhat larger proportion
 7 of daytime stop activity. Overall, however, demographic distributions remained relatively
 8 consistent across operational periods.

9 These findings suggest that the racial disparities observed within the dataset were not
 10 solely explained by differences in visibility conditions or broad time-of-day enforcement
 11 patterns. At the same time, operational conditions differ substantially across time periods
 12 due to factors including:

- 13 • nightlife-related activity,
- 14 • DUI enforcement,
- 15 • public-space interactions,
- 16 • commuter traffic,
- 17 • calls for service,

- 1 • behavioral health incidents,
- 2 • and differing deployment strategies.

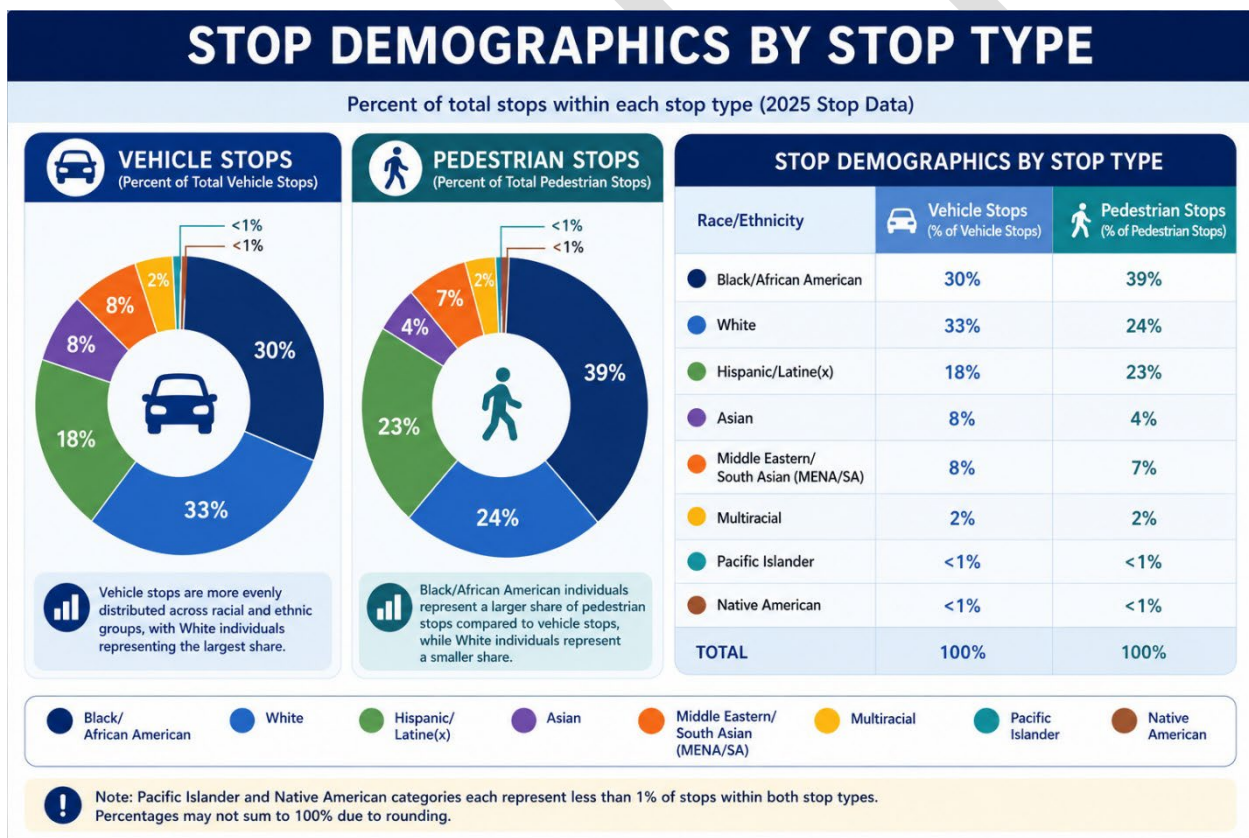
3 Accordingly, temporal variation alone does not fully explain the racial disparities observed
 4 within the dataset.

5 *Stop-Type Analysis*

6 ODPa and the PAB additionally reviewed stop activity across major stop categories.

7 BPD’s annual report notes that approximately 61% of 2025 stops were discretionary in
 8 nature, while the remaining stops were associated with calls for service, investigations,
 9 or specific information known to officers prior to the stop.

10 Discretionary stops are generally considered the most analytically relevant category for
 11 implicit bias analysis because they involve greater levels of officer-initiated decision-
 12 making than reactive enforcement activity.



13

14 The analysis indicated that Black/African American individuals represented a larger
 15 proportion of pedestrian stop activity relative to vehicle stop activity, while White
 16 individuals represented a larger proportion of vehicle stop activity.

17 Pedestrian stops are generally more influenced by:

- 1 • public-space exposure,
- 2 • homelessness-related interactions,
- 3 • behavioral health-related activity,
- 4 • complaint-driven policing,
- 5 • and neighborhood-level deployment patterns.

6 whereas vehicle stops are more directly associated with roadway exposure, commuter
7 patterns, and traffic enforcement activity.

8 These findings suggest that some racial disparities within aggregate stop activity may be
9 influenced by differing levels of exposure to public-space enforcement and service-
10 related interactions in addition to discretionary traffic enforcement activity.

11 *Housing Status Contextualization*

12 ODPa and the PAB additionally reviewed stop activity involving individuals perceived as
13 unhoused.

Housing Status	Stops	Percentage
Perceived Housed	3,603	79.4%
Perceived Unhoused	937	20.6%

14 Approximately one in five stop records involved individuals perceived as unhoused.

15 This finding is analytically significant because individuals experiencing homelessness are
16 substantially more likely to experience police contact due to:

- 17 • increased time spent in public spaces,
- 18 • welfare checks,
- 19 • complaint-driven policing,
- 20 • behavioral health-related calls,
- 21 • service-related interactions,
- 22 • and quality-of-life-related enforcement activity.

23 These factors are widely recognized within homelessness and policing research as
24 increasing exposure to police contact independent of officer bias alone.

25 To further contextualize this issue, ODPa and the PAB reviewed racial and ethnic stop
26 demographics separately for perceived housed and unhoused populations.

27

Race/Ethnicity	Perceived Housed	Perceived Unhoused
Black/African American	29%	42%
White	33%	24%
Hispanic/Latine(x)	19%	18%
Asian	8%	3%
Middle Eastern/South Asian	8%	9%
Multiracial	2%	2%
Pacific Islander	<1%	<1%
Native American	<1%	<1%

1 The analysis showed that Black/African American individuals represented a substantially
 2 larger proportion of stop activity involving perceived unhoused individuals relative to the
 3 overall stop population.

4 This finding suggests that disparities in homelessness, behavioral health response, and
 5 public-space exposure are likely contributing factors influencing aggregate racial stop
 6 disparities within Berkeley.

7 *Post-Stop Outcome Disparity Analysis*

8 ODPa and the PAB additionally reviewed post-stop search rates across racial and ethnic
 9 groups because outcome disparity analysis evaluates discretionary decisions occurring
 10 after police contact has already been initiated.

11 Search rates were calculated as:

12
$$\text{Search Rate} = \frac{\text{Individuals Searched}}{\text{Total Individuals Stopped}}$$

13

Race/Ethnicity	Search Rate
Black/African American	17.2%
White	10.8%
Hispanic/Latine(x)	7.4%
Asian	4.3%
Middle Eastern/South Asian	3.1%
Multiracial	6.5%
Pacific Islander	5.2%
Native American	Insufficient Sample Size

14 The analysis showed measurable variation in post-stop search rates across demographic
 15 groups, with Black/African American individuals experiencing the highest search rates
 16 among major demographic categories.

1 Outcome disparity analysis is often considered analytically stronger than raw population
2 comparisons because the denominator becomes individuals already subjected to police
3 contact rather than the city population as a whole.

4 At the same time, post-stop outcomes may also be influenced by:

- 5 • differing stop circumstances,
- 6 • legal authorities,
- 7 • probation/parole status,
- 8 • calls for service,
- 9 • and operational conditions associated with individual encounters.

10 Accordingly, while the search-rate disparities identified in this analysis warrant continued
11 monitoring and evaluation, the available data does not independently establish that the
12 disparities were solely attributable to discriminatory policing practices.

13 *Overall Assessment*

14 The 2025 stop data demonstrates measurable racial and ethnic disparities within police
15 stop activity, particularly when compared to Berkeley's residential population
16 demographics. Black/African American individuals represented a disproportionately
17 large share of overall stop activity, pedestrian stop activity, unhoused stop activity, and
18 post-stop search activity relative to several other demographic groups.

19 At the same time, the broader analytical review indicates that these disparities exist
20 within a complex operational and social environment shaped by numerous factors
21 beyond officer discretion alone. The data strongly suggests that policing activity interacts
22 with broader structural and social conditions including:

- 23 • housing instability,
- 24 • behavioral health response,
- 25 • socioeconomic inequality,
- 26 • public-space exposure,
- 27 • commuter activity,
- 28 • geographic deployment patterns,
- 29 • and differing levels of exposure to police contact across populations.

30 The analyses conducted by ODPa and the PAB did not identify strong evidence that racial
31 disparities were driven primarily by temporal enforcement patterns or visibility-based
32 discretionary decision-making alone. Instead, the findings indicate that observed

- 1 disparities are likely influenced by a combination of policing practices, deployment
- 2 conditions, social exposure factors, and broader structural inequities that affect rates of
- 3 police interaction across demographic groups.

DRAFT

SECTION 5

**BPD TRENDS AND PATTERNS REGARDING USE OF
FORCE AND OFFICER INVOLVED SHOOTINGS**

(Required by Charter Section 125(16)(B)(6))

1 BPD TRENDS AND PATTERNS REGARDING USE OF FORCE 2 AND OFFICER INVOLVED SHOOTINGS

3 (Required by Charter Section 125(16)(B)(6))

4 In February 2021, the Berkeley Police Department (BPD) implemented a revised
5 use-of-force policy that places greater emphasis on de-escalation and establishes more
6 comprehensive reporting requirements. The updated policy introduced a four-tiered force
7 classification system, ranging from lower-level control techniques to the use of deadly
8 force or incidents involving in-custody deaths. The classifications are defined as follows:

- 9 • Level 1: Includes non-injurious control techniques such as grabs, control holds,
10 leverage, or the application of body weight to gain compliance. These actions may
11 result in momentary discomfort but should not cause injury or generate a
12 complaint of pain.
- 13 • Level 2: Applies when an officer points or deploys a firearm during an interaction,
14 or when a Level 1 use of force results in more than momentary discomfort without
15 causing injury or a complaint of pain.
- 16 • Level 3: Corresponds closely with the Department's prior reporting threshold and
17 includes incidents involving weapon use, subject injury, or complaints of pain. It
18 also encompasses certain incidents involving failures to activate body-worn
19 cameras.
- 20 • Level 4: Represents the highest level of force and applies to officer firearm use or
21 incidents involving an in-custody death. These incidents generally involve
22 circumstances presenting an immediate threat to officers or the public.

23 Under BPD's previous policy, reporting requirements primarily focused on more serious
24 force incidents involving injuries, complaints of pain, or weapon use, resulting in limited
25 documentation of lower-level force that officers used more routinely. The revised policy
26 significantly expanded reporting obligations by requiring officers to notify a supervisor
27 and complete formal documentation for any use of force incident. The policy is also
28 subject to annual review by both BPD and the Police Accountability Board (PAB).

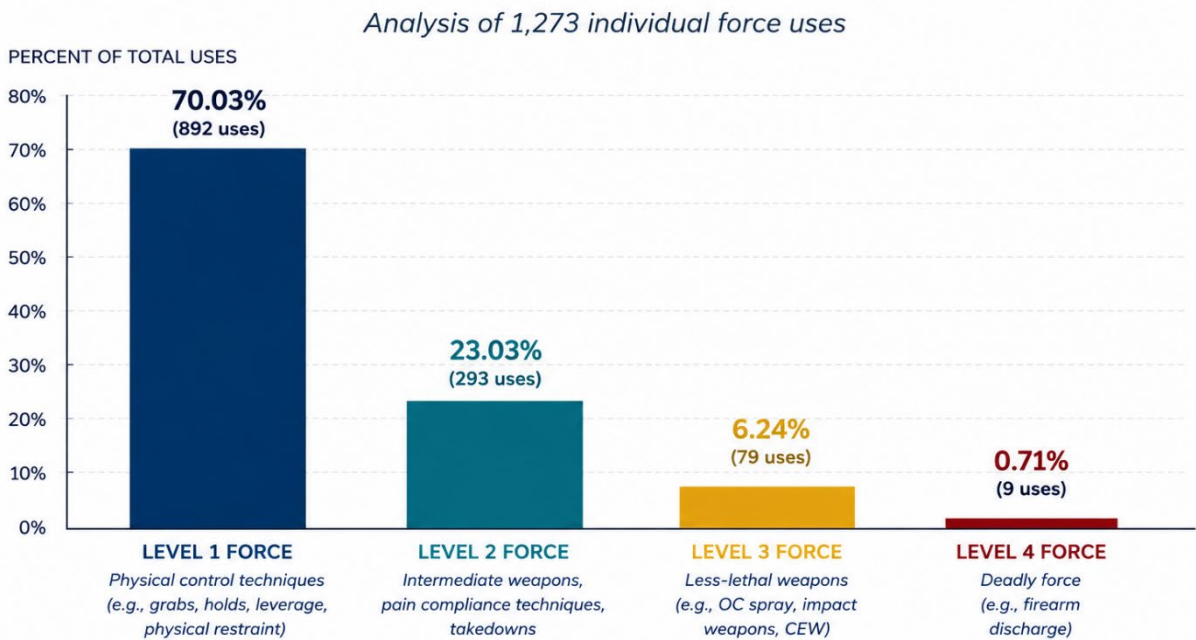
29 Use of Force Levels, Outcomes, and Demographic Trends


30 During 2025, the Berkeley Police Department (BPD) documented 276 reportable use of
31 force incidents involving approximately 316 individual subjects. Consistent with the
32 Department's revised 2021 use-of-force policy, the data includes a broader range of
33 reportable force applications than under prior reporting standards, including lower-level
34 control techniques that previously may not have required formal documentation. As a

1 result, the data provides a more comprehensive view of officer force applications across
 2 the spectrum of police encounters.

3 Analysis of the 2025 data indicates that the overwhelming majority of reported force
 4 incidents involved lower-level force applications. Of the 1,276 individual force uses
 5 documented during the reporting period, approximately 70.1% were classified as Level 1
 6 force, 22.97% as Level 2 force, and 6.92% as Level 3 force or Level 4. The predominance
 7 of Level 1 force incidents is generally consistent with the Department’s expanded
 8 reporting framework, which requires documentation of lower-level physical control
 9 techniques such as grabs, holds, leverage, and physical restraint methods.

2025 USE OF FORCE BY LEVEL



 Level 3 Force and Level 4 Force combined account for **6.94%** of all reported uses.

10

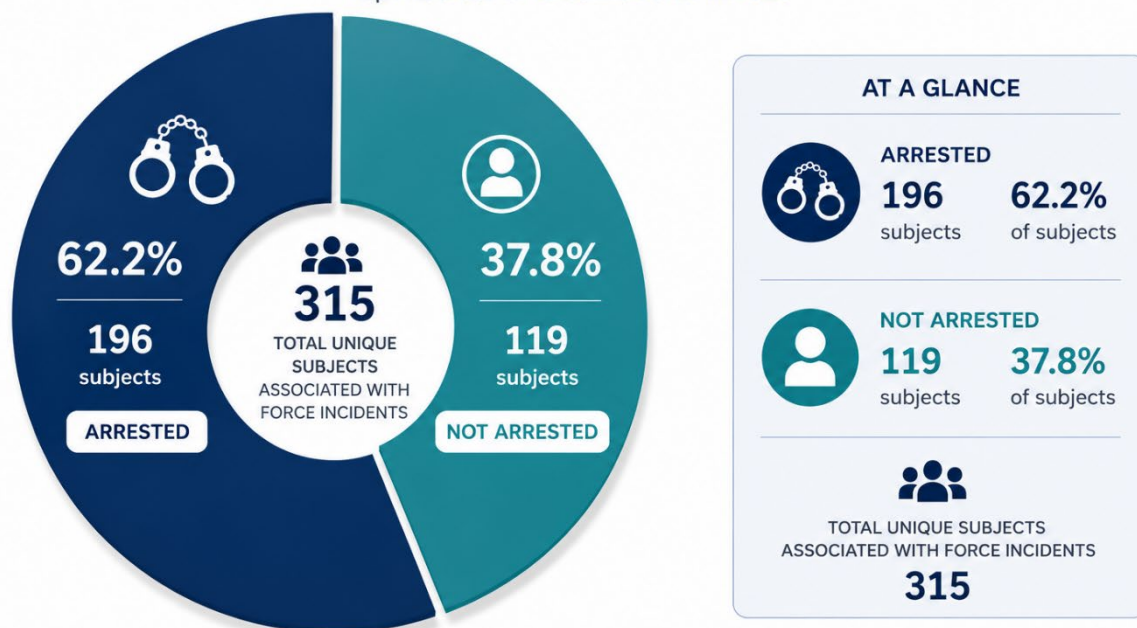
11 The data further indicates that force was most frequently used in situations involving
 12 arrests, resistance, behavioral health crises, or combative behavior. The most commonly
 13 reported reasons for force included “Effect an Arrest” (537 documented force actions),
 14 followed by incidents involving “5150 Detention” (171), “Resisting Arrest” (152),
 15 “Combative” behavior (114), and “Assault on Officer” (81). These findings suggest that
 16 force was most often associated with custodial enforcement activity or incidents
 17 involving perceived threats to officers or public safety.

18 Among subjects associated with reported force incidents, approximately **62.2%** were
 19 arrested, while **37.8%** were not ultimately taken into custody. This distinction is significant
 20 because it demonstrates that force incidents are not limited exclusively to arrest

1 situations and may also occur during behavioral health interventions, investigative
 2 detentions, or other police-citizen encounters.

CUSTODIAL OUTCOME OF FORCE INCIDENTS

Analysis of 315 unique subjects associated with reported use of force incidents in 2025



3
 4 Demographic analysis indicates that adult males represented the substantial majority of
 5 individuals subjected to force during the reporting period. Of the identifiable subjects
 6 included within the dataset, approximately **74.9%** were male and **25.1%** were female.

7 Analysis by race and ethnicity showed that Black individuals comprised the largest
 8 demographic group represented within the dataset, followed by White and Hispanic
 9 individuals. Specifically, the dataset identified **152 Black subjects, 83 White subjects, 55**
 10 **Hispanic subjects, 19 individuals categorized as "Other," and 6 Asian subjects.** As with
 11 other forms of police enforcement data, these figures should be interpreted cautiously
 12 and within the broader context of calls for service, enforcement activity, officer
 13 deployment patterns, and situational variables not fully captured within administrative
 14 reporting systems. The demographic distribution of force incidents alone does not
 15 establish bias or misconduct but may identify areas warranting additional review,
 16 contextual analysis, or future policy discussion.

17

1

2 **Table 4. Subjects Involved in Use of Force Incidents by Race/Ethnicity**

Race/Ethnicity	Number of Subjects	Percentage
Black	152	48.3%
White	83	26.3%
Hispanic	55	17.5%
Other	19	6.0%
Asian	6	1.9%

3 The age distribution of individuals subjected to force indicates that force incidents were
 4 concentrated primarily among adults between the ages of 30 and 49. Subjects between
 5 the ages of 30–39 represented the single largest age cohort (**101 individuals**), followed
 6 by individuals aged 18–29 (**76**), 50 and older (**63**), and 40–49 (**57**). Juvenile force
 7 incidents remained comparatively infrequent, with **fewer than 10 identified subjects**
 8 **under the age of 18**.

9 **Table 5. Subjects Involved in Use of Force Incidents by Age Group**

Age Group	Number of Subjects	Percentage
Under 18	9	2.9%
18–29	76	24.1%
30–39	101	32.1%
40–49	57	18.1%
50+	63	20.0%

10 The data also provides insight into behavioral and situational factors present during force
 11 incidents. A substantial number of incidents involved subjects identified as being under
 12 the influence of drugs or alcohol, experiencing mental health crises, or otherwise
 13 exhibiting altered states. Incidents involving 5150 detentions and combative behavior
 14 accounted for a meaningful share of the Department's overall force reporting activity,
 15 highlighting the continued intersection between police response responsibilities and
 16 behavioral health-related calls for service.

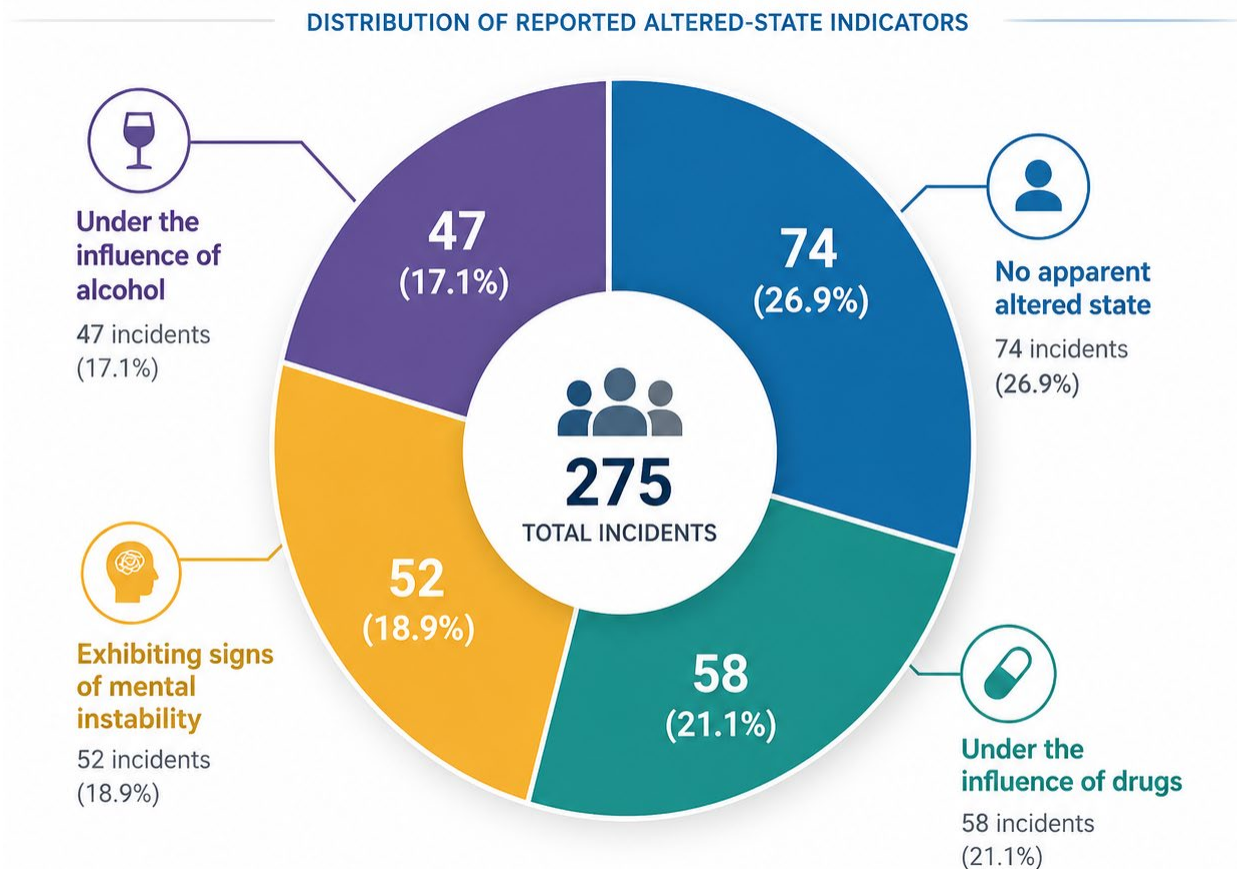
17 **Table 6. Most Commonly Reported Reasons for Force**

Reason for Force	Number of Reported Force Actions
Effect an Arrest	537
5150 Detention	171
Resisting Arrest	152
Combative Behavior	114
Assault on Officer	81

18 Behavioral and Mental Health Factors

19 Use of force was reported in incidents involving individuals perceived to be under the
 20 influence of alcohol (47 incidents), under the influence of drugs (58 incidents), exhibiting

1 signs of mental instability (52 incidents), or displaying no apparent altered state (74
 2 incidents).



3
 4 Reported altered-state indicators in 2025 reflect a range of conditions observed during
 5 use of force incidents. The most frequently reported category was incidents in which no
 6 apparent altered state was identified, accounting for 74 of 276 incidents, or approximately
 7 26.8 percent.

8 Among incidents where an altered-state indicator was reported, drugs were identified in
 9 58 incidents (21 percent), signs of mental instability in 52 incidents (18.8 percent), and
 10 alcohol involvement in 47 incidents (17 percent). These categories appeared at relatively
 11 similar frequencies across the dataset.

12 Because these indicators are based on officer observations and reporting classifications,
 13 they should be interpreted as descriptive incident characteristics rather than clinical or
 14 medical determinations.

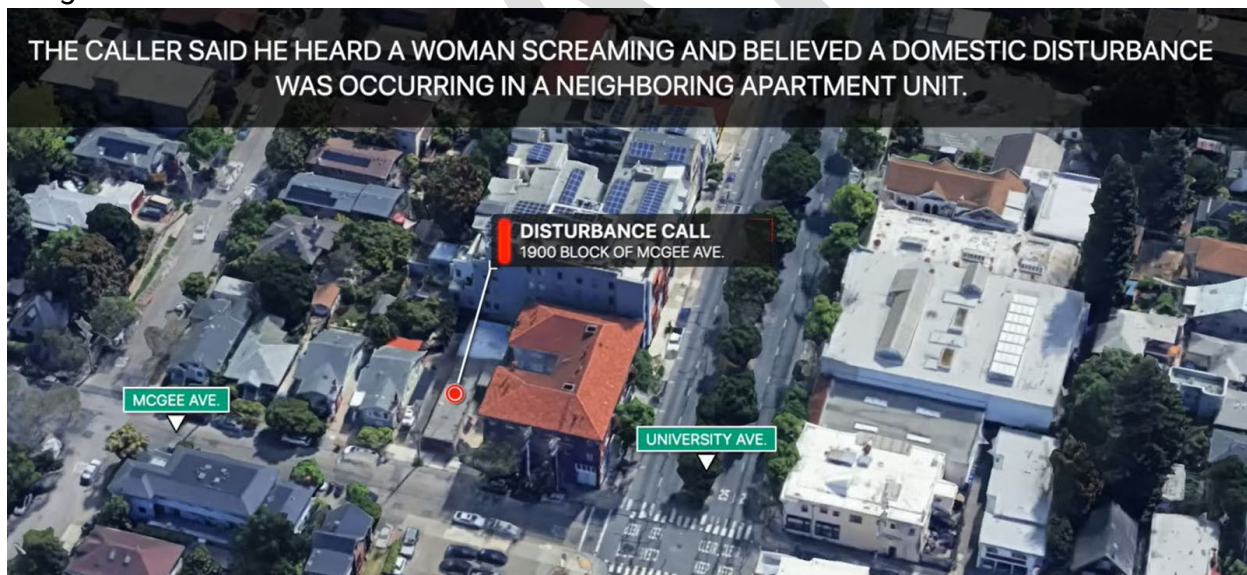
15 Officer-Involved Shootings

16 In 2025, the Berkeley Police Department reported one officer-involved shooting (OIS),
 17 classified under BPD policy as a Level 4 use of force incident. Officer-involved shootings
 18 represent the most serious category of force and are subject to multiple layers of

1 administrative and criminal review due to their significance for public safety,
2 accountability, and community trust.

3 The incident occurred on April 13, 2025, near the intersection of University Avenue and
4 McGee Avenue following a reported domestic violence-related call for service. According
5 to publicly released information from the Berkeley Police Department, officers responded
6 to reports of a woman screaming for help inside a residence. Upon contacting the
7 individual involved, officers reported that the subject made threats toward officers and
8 displayed what appeared to be a firearm. Officers subsequently established a perimeter
9 and engaged in efforts to communicate with and de-escalate the situation. During the
10 encounter, the individual reportedly exited the residence again while armed and pointed
11 a weapon toward officers, at which point an officer discharged their firearm, striking the
12 individual. The individual was transported to a hospital in critical condition and survived
13 the incident.

14 Consistent with California Government Code section 7923.625, which governs the public
15 release of records relating to officer-involved shootings and other critical incidents, the
16 Berkeley Police Department subsequently released body-worn camera footage and
17 related materials associated with the incident as part of its public transparency
18 obligations.



Item 9.d.

ODPA Memorandum to the PAB Titled “Preliminary Review of the Berkeley Police Department’s (BPD) 2025 Annual Police Equipment Report and Board Considerations”



MEMORANDUM

Date: June 1, 2026
To: Honorable Members of the Police Accountability Board (PAB)
From: Katherine Lee, Interim Director of Police Accountability
 Jose Murillo, ODP Policy Analyst
Subject: Preliminary Review of the Berkeley Police Department's (BPD) 2025 Annual Police Equipment Report and Board Considerations

The purpose of this memorandum is to review the BPD's 2025 Annual Police Equipment Report and provide a preliminary analysis and recommendations for the PAB's consideration.

Background

Berkeley Municipal Code Chapter 2.100, the Police Equipment and Community Safety Ordinance,¹ was originally adopted in May 2021 to establish a local framework governing the acquisition, use, oversight, and reporting of police equipment. The ordinance requires City Council approval for covered equipment and annual reporting regarding equipment inventories, deployments, training, expenditures, complaints, policy compliance, and proposed changes to approved equipment or policies.

Following the enactment of California Assembly Bill 481 (AB 481) in September 2021, the BPD became subject to both local and state reporting requirements governing police equipment and military equipment. Following a legislative review process that began in 2025, the Berkeley City Council adopted Ordinance No. 8001-NS on January 27, 2026, repealing and replacing Chapter 2.100.² The revised ordinance aligned Berkeley's police equipment reporting framework with AB 481, consolidated local and state reporting requirements, and clarified the roles and timelines of the BPD, PAB, and City Council. The

¹ Chapter 2.100 BMC, Police Equipment Ordinance: <https://berkeley.municipal.codes/BMC/2.100>

² January 27, 2026 Berkeley City Council Annotated Agenda, Item 21: <https://berkeleyca.gov/sites/default/files/city-council-meetings/2026-01-27%20Annotated%20Agenda%20-%20Council.pdf>

PAB reviewed the proposed ordinance and provided recommendations to the City Council during the legislative process.

The 2025 Annual Police Equipment Report is the first report submitted pursuant to the revised ordinance and reflects the updated reporting framework adopted by the city. This memorandum reviews the Department's report for compliance with the ordinance's reporting requirements and identifies any issues or recommendations for the Board's consideration.

Role of the PAB

Pursuant to BMC § 2.100.050,³ the PAB serves in an advisory capacity by reviewing the BPD's Annual Police Equipment Report and providing recommendations to the City Council. The ordinance requires the Department to submit its annual report to the Board before City Council consideration, allowing the Board an opportunity to evaluate the report and identify any findings or recommendations related to the Department's use of authorized police equipment.

Under BMC § 2.100.050, the Board has 30 days from receipt of an annual police equipment report to review the report and submit any recommendations to the City Council. The BPD transmitted its 2025 Annual Police Equipment Report to the Board on May 29, 2026, commencing the Board's 30-day review period. Accordingly, any recommendations adopted by the Board must be transmitted to the City Council no later than June 28, 2026. The Department intends to submit the report to the City Council for review at its regular meeting on July 7, 2026, together with any recommendations provided by the Board pursuant to the ordinance.

Summary of the 2025 Annual Police Equipment Report

The BPD's 2025 Annual Police Equipment Report is the first report submitted pursuant to the City's revised Police Equipment Ordinance. The report provides an inventory of covered equipment, summarizes equipment deployments during 2025, identifies associated fiscal impacts, and reports on complaints, audits, and policy compliance.

As of May 2026, the Department reported possessing a range of covered equipment, including patrol rifles, less-lethal launchers, OC spray, CS/OC chemical agents, precision rifles, distraction devices, LRADs, robots, a mobile command vehicle, and extended-length batons. The report indicates that the Department maintains 96 patrol rifles, 20 single-shot 40mm launchers, 8 FN 303 launchers, 175 OC spray canisters, 232 CS/OC devices, and various other specialized equipment.

According to the report, the Department responded to 60,374 calls for service during 2025. Covered equipment was deployed in 62 incidents, although most deployments did not result in the equipment being actively used. The Department reports that only 13

³ BMC 2.100.050, Acquisition and Use of Police Equipment: <https://berkeley.municipal.codes/BMC/2.100.050>

incidents involved the actual use of less-lethal tools, in addition to six deployments of the Mobile Command Vehicle during Cal football games. Most incidents were resolved through compliance, negotiation, de-escalation, or tactical positioning without the need to discharge or otherwise use the equipment deployed.

The most frequently deployed equipment during 2025 was the 40mm Single Launcher (34 deployments), followed by patrol rifles (31 deployments), FN 303 launchers (12 deployments), the Mobile Command Vehicle (7 deployments), OC spray (5 deployments), drones (4 deployments), and distraction devices (3 deployments). Several categories of equipment, including CS gas, batons, the Barrett .50 caliber rifle, and the hazardous duty robot, were not deployed during the reporting period.

The report also documents several incidents in which less-lethal force or other covered equipment was actively used. These incidents included deployments of OC spray, FN 303 impact rounds, 40mm less-lethal munitions, distraction devices, drones, LRADs, and patrol rifles during responses to armed subjects, barricaded subjects, warrant services, and individuals experiencing mental health crises. Several deployments occurred outside Berkeley as part of Special Response Team operations and mutual aid activities in neighboring jurisdictions. With respect to accountability measures, the Department reports that no additional internal audits were conducted beyond those necessary to compile the report. The Department further reports receiving one complaint related to the use of police equipment during 2025, which remains under investigation.

Overall, the report indicates that the equipment covered was deployed infrequently relative to the Department's call volume and that actual uses of force involving covered equipment were limited. The report also highlights the Department's continued reliance on less-lethal tools and specialized equipment during high-risk incidents, warrant services, and responses involving armed or barricaded individuals.

Potential Areas for Board Discussion

Pursuant to BMC § 2.100.050(A), the Police Accountability Board may review the Berkeley Police Department's Annual Police Equipment Report and provide recommendations to the City Council. Staff's review uncovered an apparent omission of the deployment of a piece of equipment that it observed during an investigation into a complaint that is still active. Staff will work with BPD to determine if its observation was accurate and, if so, ensure that the report is appropriately revised. Staff did not identify any other material deficiencies that would prevent the report from substantially complying with the reporting requirements of Chapter 2.100. The report provides information regarding equipment inventory, deployments, complaints, audits, and fiscal impacts.

In conducting its review, the Board may wish to discuss whether future reports could provide additional information regarding policy compliance reviews, any violations of applicable equipment policies, and aggregate geographic deployment data to further advance the ordinance's transparency objectives. The Board may also wish to consider

whether the report provides sufficient information to support public understanding of the Department's acquisition, possession, deployment, and use of covered equipment and whether any recommendations should be transmitted to the City Council pursuant to BMC § 2.100.050(A).

Attachments:

1. Berkeley Municipal Code Chapter 2.100 POLICE EQUIPMENT ORDINANCE
2. Berkeley Police Department's 2025 Annual Police Equipment Report

Off-Agenda 1
Legislative Updates Relevant to the PAB's Work



MEMORANDUM

Date: June 1, 2026
To: Honorable Members of the Police Accountability Board
From: Katherine Lee, Interim Director of Police Accountability
 Jose Murillo, ODPa Policy Analyst
Subject: Legislative Updates

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

State Legislative Updates¹

The following bills are being proposed in the state of California regarding peace officers:

NAME OF LEGISLATION	STATUS	SUMMARY/PURPOSE
AB 1537 (Bryan) – Peace Officers: Secondary Employment	<i>5/28/2026 - In Senate. Read first time. To Com. on RLS. for assignment.</i>	Prohibits peace officers from engaging in part-time or any other form of secondary employment for the United States (U.S.) Department of Homeland Security (DHS) or any other entity that engages in immigration enforcement
AB 1544 (Krell) – Court proceedings: media access	<i>05/20/26 – Referred to Com. on JUD.</i>	Clarifies and strengthens public access rights to court proceedings by prohibiting officials from restricting entry to open court settings—except as necessary to maintain order—makes violations enforceable under the Bane Act and affirms that existing access rights are not limited or reduced.

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

AB 1627 (Avila Farias) - Public employment: disqualifications	05/28/26 – <i>In Senate. Read for the first time. To Com. on RLS. for assignment.</i>	Disqualifies a person previously employed by the United States Immigration and Customs Enforcement (ICE) or specified out-of-state corrections departments, during specified time periods, from being employed as a peace officer
AB 1896 (Gonzalez) – Public employment: disqualifications	05/28/26 – <i>In Senate. Read first time. To Com. on RLS. for assignment.</i>	Amends various existing laws relating to disqualification from public employment, minimum standards relating to peace officers, and adds certain criteria for an individual employed by an entity that engaged in immigration enforcement on or after January 20, 2025, to January 20, 2029, except as provided, among other provisions.
AB 2347 (Ahrens) – Commission on Peace Officer Standards and Training: hate crime training and guidelines	05/14/2026 – <i>In committee: Held under submission.</i>	Requires the Peace Officer Standards and Training Commission (POST) to conduct a comprehensive review of hate crimes training programs and adopt evidence-based training requirements to fill any gaps in the handling of hate crimes, as specified.
SB 691 (Wahab) – Body-worn cameras: policies	05/26/26 – <i>From committee with author's amendments. Read second time and amended. Re-referred to Com. on PUB. S.</i>	This bill requires, on or before July 1, 2027, each law enforcement agency that has a body-worn camera policy to update that policy to include a procedure for emergency service personnel to request, prior to any public release, the redaction of evidentiary and no evidentiary recordings of a patient undergoing medical or psychological evaluation, procedure, or treatment by emergency service personnel.
SB 1105 (Perez) – Law Enforcement	05/27/26 - <i>In Assembly. Read first time. Held at Desk.</i>	Current law grants limited arrest authority—and in some cases peace officer status—to federal law enforcement under specific conditions. This bill removes those authorities and prohibits California agencies from participating in joint task forces involving profiling, while requiring

		Attorney General approval and compliance standards for interagency agreements.
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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 2026.

SOURCE	LINK
BPD Policy 1507 “2026 Legislative & Case Law Update”	https://berkeleyca.gov/sites/default/files/2026-02/RELEASE_20260127_T171031_Berkeley%20PD%20Policy%20Manual.pdf#Page=1061
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

There have been no policy updates since the PAB’s last regular meeting on May 20, 2026.

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

June 9, 2026 Regular Meeting of the City Council

Item No.	Title	Recommendation
3	Amendment to BMC Chapter 2.100 to Subject Pepper Spray to the Approval and Reporting	Adopt second reading of Ordinance No. 8,011-N.S. amending Berkeley Municipal Code Section 2.100.040 to add pepper spray to the list of police equipment subject to the approval processes and reporting requirements defined in Chapter 12.8 of

	Requirements of the Police Equipment Ordinance	the California Government Code and BMC Chapter 2.100, and to require reporting on the administration of first aid following each use of pepper spray.
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June 2, 2026 Special Meeting of the Public Safety Policy Committee

Item No.	Title	Recommendation
2	Surveillance Technology Ordinance Submissions for Community Video Streams and Investigative Software, Pursuant to Council Direction of May 7, 2026.	Adopt a Resolution to: <ol style="list-style-type: none"> 1. Accept the Surveillance Acquisition Report and approve the Surveillance Use Policy (BPD Policy 1306) for Community Video Streams, pursuant to Berkeley Municipal Code (B.M.C.) Chapter 2.99. 2. Accept the Surveillance Acquisition Report and approve the Surveillance Use Policy (BPD Policy 1307) for Investigative Software, pursuant to B.M.C. Chapter 2.99.

Off-Agenda 2
2026 PAB Meeting Calendar

2026 PAB MEETING CALENDAR

JAN

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*PAB Nominations and Election of Chair and Vice Chair

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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