

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



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA PACKET
June 17, 2026
6:30 PM**

Board Members

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

MEETING LOCATION

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

Agenda Item Materials

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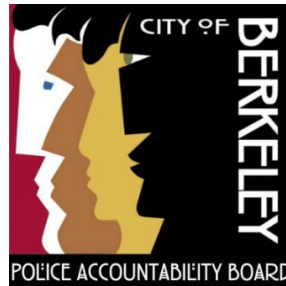
	<ul style="list-style-type: none"> 2. Workload Organizational Study of the Berkeley Police Department Authored by Citygate Police Services 3. May 13, 2024 Memorandum from the PAB to City Council Titled "Findings and Recommendations Regarding the Berkeley Police Department's (BPD) FY 2025-2026 Budget 	
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Item 2

June 17, 2026 PAB Regular Meeting Agenda



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA
WEDNESDAY, JUNE 17, 2026
6:30 P.M.**

Board Members

Joshua Cayetano (Chair)
Randy Wells
Benjamin Nash
Patrick DeTemple

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/89007838093>. If you do not wish for your name to appear on the screen, use the drop-down menu and click on “rename” to rename yourself to be anonymous. To request to speak, use the “raise hand” icon on the screen. To join by phone: Dial **1 669 900 6833** and enter Meeting ID **890 0783 8093**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized.

LAND ACKNOWLEDGMENT

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

AGENDA

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

2. APPROVAL OF AGENDA (2 MINUTES)

3. PUBLIC COMMENT (TBD)

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

4. APPROVAL OF MINUTES (5 MINUTES)

- a. Minutes for the Special Meeting of June 3, 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: 1 HOUR 40 MINUTES)

- a. Discussion and Action Regarding Qualifications, Opportunities, Priorities, and Challenges for an Incoming Director of Police Accountability (ODPA) - (30 minutes)
- b. Discussion and Action Regarding the 2025 PAB-ODPA Annual Report (ODPA) - (15 minutes)
- c. Discussion and Action Regarding the Berkeley Police Department's Surveillance Technology Acquisition Reports and Use Policies for Community Video Streams and an Investigative Software Platform (Cayetano & Wilson) - (15 minutes)
- d. Discussion and Action Regarding the Berkeley Police Department's 2026 Memoranda of Understanding Compendium and Proposed Revision to the Review Schedule (ODPA) - (10 minutes)
- e. Discussion and Action on PAB Recommendations Regarding the Berkeley Police Department's Proposed Budget for Fiscal Years 2027 and 2028 (Wilson) – (15 Minutes)
- f. Discussion and Action Regarding the Berkeley Police Department's 2025 Annual Police Equipment Report - Final 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 ODPAs:

i. 2023-CI-0016	xv. 2026-CI-0008
ii. 2024-CI-0004	xvi. 2026-CI-0009
iii. 2025-CI-0018	xvii. 2026-CI-0010
iv. 2025-CI-0030	xviii. 2026-CI-0011
v. 2025-CI-0033	xix. 2026-CI-0012
vi. 2025-CI-0037	xx. 2026-CI-0013
vii. 2025-CI-0038	xxi. 2026-CI-0014

viii.	2026-CI-0001	xxii.	2026-CI-0015
ix.	2026-CI-0002	xxiii.	2026-CI-0016
x.	2026-CI-0003	xxiv.	2026-CI-0017
xi.	2026-CI-0004	xxv.	2026-CI-0018
xii.	2026-CI-0005	xxvi.	2026-CI-0019
xiii.	2026-CI-0006	xxvii.	2026-CI-0020
xiv.	2026-CI-0007		

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 Special Meeting of June 3, 2026



**POLICE ACCOUNTABILITY BOARD
SPECIAL MEETING MINUTES
WEDNESDAY, June 3, 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 Joshua Buswell-Charkow Board Member Benjamin Nash Board Member Randy Wells Board Member Stephanie Allan ¹
Absent:	Board Member Leah Wilson (Vice Chair)
ODPA Staff:	Kathy Lee, Interim Director of Police Accountability Jose Murillo, Policy Analyst Syed Mehdi, Data Analyst Daniel Weinberg, Investigator
BPD Staff:	Chief Jennifer Louis Sgt. Neil Egbert

¹ Board Member Allan arrived after rollcall at 6:36 PM.

2. APPROVAL OF AGENDA

Motion to approve the agenda as amended to reflect the withdrawal of Item 9A.

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

Ayes: Cayetano, Buswell-Charkow, Wells and Nash.

Noes: None. Abstain: None. Absent: Wilson and Allan.

3. PUBLIC COMMENT

0 Physically Present Speakers

2 Virtually Present Speakers

4. APPROVAL OF MINUTES

- a. Minutes for the Regular Meeting of May 20, 2026.

Motion to approve the minutes for the Regular Meeting of May 20, 2026.

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

Ayes: Cayetano, Buswell-Charkow, Wells, Allan and Nash.

Noes: None. Abstain: None. Absent: Wilson.

5. ODPa STAFF REPORT

Interim Director Lee provided updates regarding recruitment of the permanent Director of Police Accountability, surveillance technology initiatives, permanent regulations negotiations, recruitment for a permanent investigator position, and office lease negotiations.

6. CHAIR AND BOARD MEMBERS' REPORTS

The Chair reported on his activities since the last PAB meeting on May 20, 2026, among them a meeting with various stakeholders regarding the RFP process for investigative software. Board members Wilson and Nash have already been designated as Tier 1 evaluators. The Chair invited other interested Board members to be Tier 2 observers. The Chair has met with the recruiter for the permanent DPA position, and said two Board members are invited to be on the interview panel on July 17; he designated Board member Allan after she expressed interest in being on the panel.

7. CHIEF OF POLICE'S REPORT

Chief Louis provided updates regarding surveillance technology initiatives, use of force policy development, upcoming annual reporting requirements, recent major investigations, sworn staffing levels, dispatcher staffing shortages, and overtime expenditures.

8. SUBCOMMITTEE REPORTS

Subcommittee's report on their activities since the last PAB meeting on May 20, 2026: no activity reported.

9. DISCUSSION AND ACTION ITEMS

- a. Discussion and action regarding additional commendations for BPD Officers (Cayetano & Wilson)

Item was withdrawn from the agenda.

- b. Discussion and action regarding draft sections of the 2025 PAB-ODPA Annual Report (ODPA)

The Board reviewed draft sections of the 2025 PAB ODPA Annual Report and provided feedback for staff. No action was taken.

- c. Discussion and action regarding BPD Policy 300 “Use of Force” (Cayetano)

The Board received an update regarding ongoing discussions and stakeholder engagement related to proposed revisions to BPD Policy 300 (Use of Force). No action was taken.

- d. Discussion and action on the Berkeley Police Department’s 2025 Annual Police Equipment Report (Initial Review) (ODPA)

The Board conducted an initial review of the Berkeley Police Department’s 2025 Annual Police Equipment Report. No action was taken.

10. PUBLIC COMMENT

0 Physically Present Speakers

1 Virtually Present Speakers

11. CLOSED SESSION

CLOSED SESSION ITEMS

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

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

The Board considered matters related to the ongoing meet-and-confer process concerning permanent regulations and provided direction to its designated representatives regarding the ongoing meet-and-confer process.

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

No action was taken by the Board.

END OF CLOSED SESSION

12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

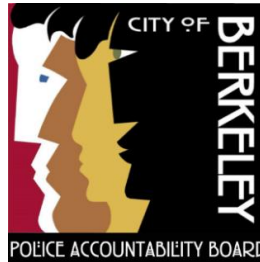
Chair Cayetano announced the closed session actions.

13. ADJOURNMENT AT 9:10 PM

Motion to adjourn. Moved/Second (Cayetano/Buswell-Charkow). The meeting was adjourned at 9:10 PM by unanimous consent.

Item 8
Subcommittee List

Updated on 6/12/2026



SUBCOMMITTEE LIST

Important Note: As of June 12, 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 6/12/2026

Formerly "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.

**City of Berkeley Director of Police Accountability PAB
Engagement Session Material**

City of Berkeley
Director of Police Accountability
PAB Engagement Session

For Discussion: As part of the recruitment process for the Director of Police Accountability, the recruiter, WBCP Inc., would like to engage with the Police Accountability Board (PAB) to discuss the technical and interpersonal competencies, ideal background and experience, as well as the opportunities, priorities, and challenges for an incoming Director. This is information that will inform the ideal candidate profile and screening process.

Background: Other engagement undertaken as part of the recruitment process has included a community meeting open to the public, an online survey open to the public, engagement with the full City Council in an open session, and individual meetings conducted by the recruiter with internal and external stakeholders identified by the Council Subcommittee.

Questions to Consider for Discussion:

- What do you believe to be the most critical priorities for the new Director to focus on in their first 12-18 months?
- What would you identify as the biggest challenges *and* areas of opportunity for a candidate stepping into this role?
- What are the technical competencies, background and experience you see as critical to success in this role?
- What are the interpersonal and leadership competencies you see as critical to success in this role?



Item 9.b.

Draft of the 2025 PAB-ODPA Annual Report

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EXECUTIVE SUMMARY

The Police Accountability Board (PAB) and Office of the Director of Police Accountability (ODPA) continued to advance Berkeley's commitment to transparent, independent, and community-centered police oversight throughout 2025. Guided by the authority established in the Berkeley City Charter, the PAB and ODPA worked to investigate allegations of police misconduct, review policies and practices affecting public safety, evaluate trends in police activity, and promote accountability through civilian oversight and public engagement.

During 2025, the ODPA received 43 complaints submitted by 27 unique complainants. While the total number of complaints declined compared to the previous year, the increase in unique complainants suggests that concerns regarding police conduct were raised by a broader cross-section of the community. The PAB continued to evaluate allegations of misconduct, issue findings and recommendations, and provide an independent layer of oversight within Berkeley's police accountability framework. In addition to complaint investigations, the Board maintained its responsibility to review investigative outcomes, monitor trends, and assess areas where policy, training, or operational improvements may be warranted.

The Board's work extended well beyond individual complaint investigations. Throughout the year, the PAB reviewed a wide range of policies, technologies, and emerging public safety issues affecting policing in Berkeley. These efforts included the review of surveillance technologies, controlled equipment reporting, mutual aid agreements, vehicle pursuit policies, public transparency issues, and developments in emerging technologies such as artificial intelligence-assisted report writing systems and unmanned aircraft systems. The Board also continued its long-term effort to advance permanent regulations governing misconduct investigations and oversight procedures, an initiative that remained a central priority throughout the year.

The PAB's review of police operations was informed by extensive analysis of Berkeley Police Department stop data, use of force data, and other enforcement activities. The Board and ODPA continued to examine trends, patterns, and disparities within available data while emphasizing the importance of contextualized, evidence-based analysis. These reviews sought to provide policymakers and the public with meaningful information regarding police activity, accountability outcomes, and public safety practices, while acknowledging the limitations inherent in administrative datasets.

Community engagement remained a core component of the Board's work. Board members and ODPA staff participated in community events, public meetings, outreach initiatives, and discussions involving topics such as police accountability, sanctuary city

policies, public safety technologies, and community trust. The Board also expanded partnerships with academic institutions, community organizations, and professional oversight organizations to strengthen public engagement and incorporate best practices into its work. A notable accomplishment was the establishment of a partnership with UC Berkeley's Social Sector Solutions program to evaluate existing outreach efforts and develop recommendations for a long-term community engagement strategy.

Despite these accomplishments, the Board and ODPa faced significant challenges during 2025. The City's hiring freeze resulted in prolonged vacancies within the ODPa, including key investigative and administrative positions. These staffing limitations reduced organizational capacity and required existing staff to assume additional responsibilities to maintain core operations. Resource constraints affected the pace of investigations, policy reviews, community engagement efforts, and long-term projects, while also requiring difficult operational decisions regarding work prioritization and administrative case closures. The Board also encountered challenges associated with obtaining records, coordinating reviews of rapidly evolving public safety initiatives, and ensuring sufficient time to evaluate matters before decisions moved forward through other City processes.

Looking ahead, the PAB and ODPa enter 2026 with a continued commitment to strengthening Berkeley's police accountability system. Key priorities include finalizing and implementing permanent regulations governing complaint investigations, expanding public awareness and community engagement efforts, addressing operational challenges that affect oversight functions, and continuing policy reviews related to policing practices, emerging technologies, and accountability mechanisms. Through these efforts, the Board and ODPa will continue working to promote transparency, accountability, procedural fairness, and public trust while ensuring that policing in Berkeley remains subject to meaningful civilian oversight.

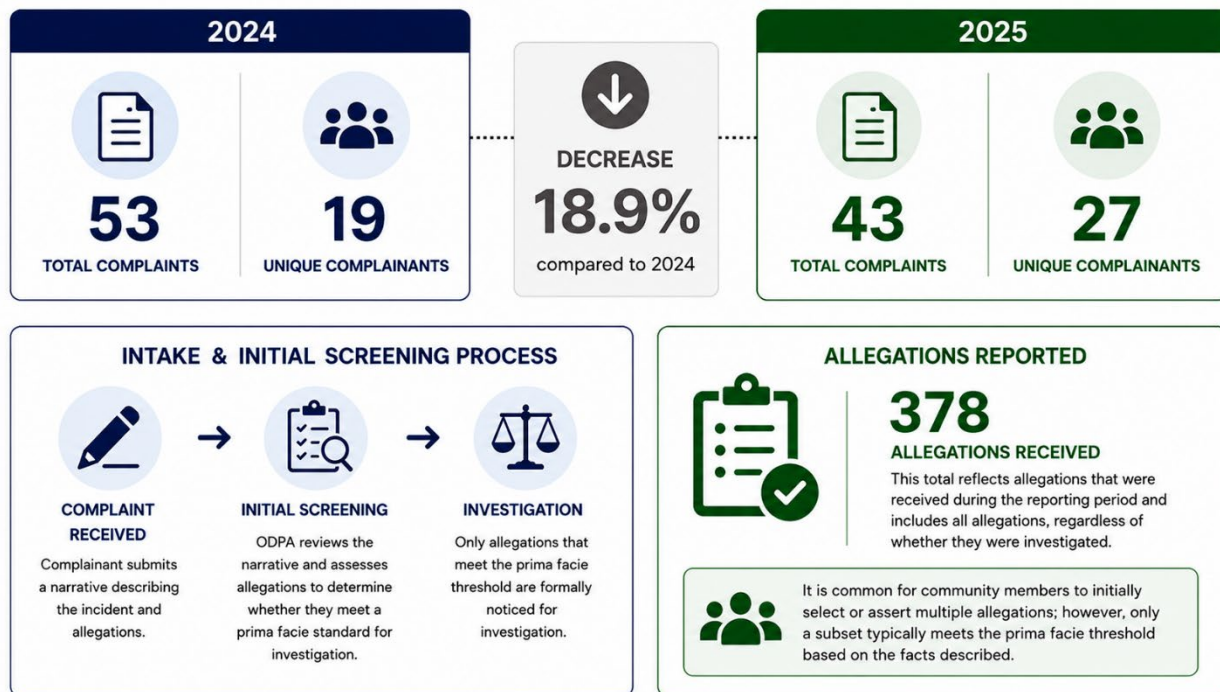
The activities described throughout this report reflect the ongoing effort to balance effective public safety services with transparency, accountability, and community confidence. Together, the PAB and ODPa remain committed to fulfilling their Charter responsibilities and supporting a police accountability system that is responsive to both community concerns and the evolving challenges facing public safety oversight.

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, would constitute misconduct or a violation of law, policy, or procedure. As such, the total of 378 allegations reported here reflect those that were received by the ODPa but not necessarily investigated. It is common for complainants to initially select or assert multiple allegations; however, only a subset typically meets the *prima facie* threshold based on the facts described.

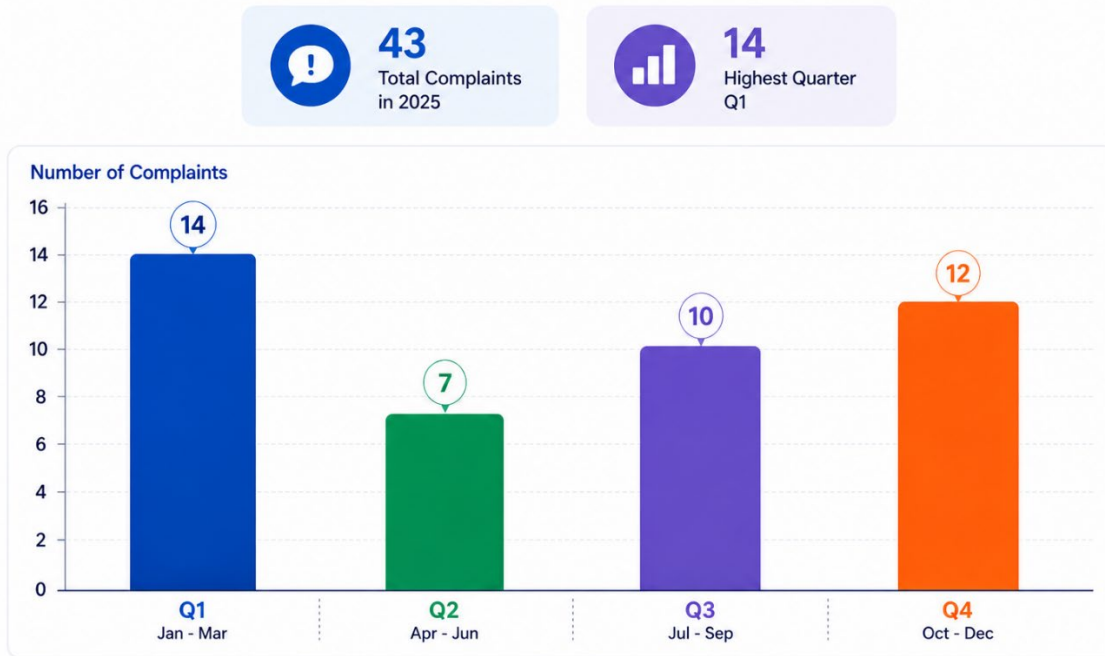
Figure 1. Overview of Complaints Received in 2025



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 distribution provides additional context for understanding when complaints are most frequently received and how workload is distributed across the year. Due to the timing of when complaints are

filed, as well as the investigative steps required for each case, complaints received later in the year, particularly in the third and fourth quarters, are more likely to remain open at year-end and be closed in the following calendar year.

Figure 2. Quarterly Breakdown of Complaints Received Throughout 2025

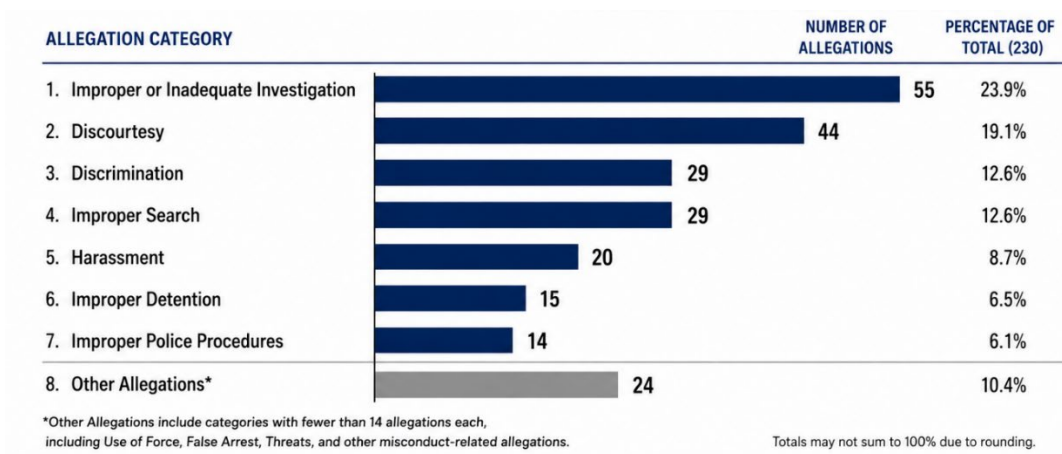


Consistent with this timing dynamic, case processing in 2025 included both newly received complaints and those carried over from the prior year for a total of 31 closed cases. Seven cases received in 2024 were closed during 2025, contributing to overall case resolution numbers. At the same time, 19 cases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

INVESTIGATIVE OUTCOMES

This section examines the types of allegations made in complaints filed with the ODPa in 2025, as well as investigative outcomes of complaints closed during the reporting period. The most common of the 230 allegations asserted were Improper or Inadequate Investigation (55 allegations, 23.9%), Discourtesy (44 allegations, 19.1%), and both Discrimination and Improper Search (29 allegations each, 12.6%). Additional allegations involved Harassment, Improper Detention, and Improper Police Procedures, reflecting the broad range of concerns raised through the complaint process.

Figure 3. Distribution of Allegation Made in 2025

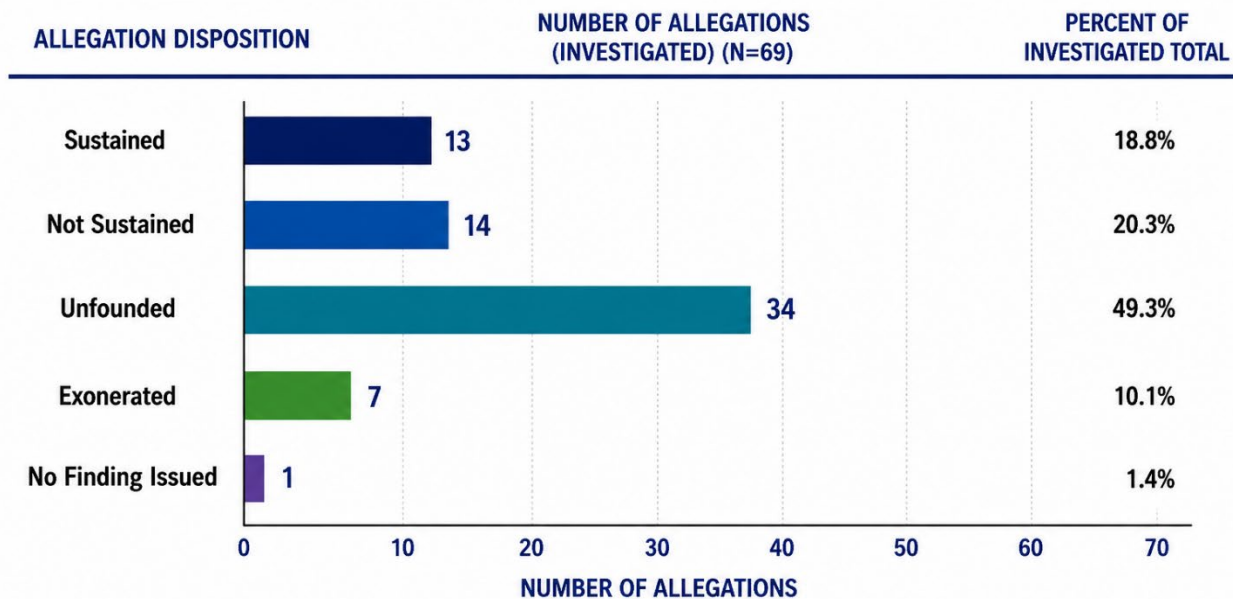


As noted above, not all allegations made proceed to investigation due to staff’s determination of whether prima facie misconduct has been alleged; however, the allegations show the nature of the concerns raised by complainants.

Investigative findings reflect the outcome of the Board's review process. The following findings categories are used to classify the disposition of each allegation following investigation. A “sustained” finding indicates that the alleged conduct occurred and was not justified. A “not sustained” finding means that the available evidence was insufficient to prove or disprove the allegation. An “unfounded” finding indicates that the alleged conduct did not occur. A finding of “exonerated” means that the conduct occurred but was lawful, justified, and within policy.

Of the 69 allegations investigated by the ODPa and presented to the PAB in 2025, 13 (5.7%) were sustained, 14 (6.1%) were not sustained, 34 (14.8%) were unfounded, and 7 (3.0%) were exonerated. The PAB also reviewed one allegation for which it determined that insufficient information was available to reach a dispositive finding. The remaining allegations handled in 2025 were disposed of through the administrative closure process rather than receiving a formal investigative finding.

Figure 4. Distribution of Investigative Findings, 2025



Note: This figure displays the disposition of allegations that received investigative findings (Sustained, Not Sustained, Unfounded, and Exonerated) and the number of allegations for which no finding was issued. An additional 162 allegations across 22 administratively closed cases (70.4% of all closed allegations) were included in cases that were ultimately administratively closed and therefore did not receive an investigative finding. Percentages are calculated based on the 69 allegations that were investigated.

ADMINISTRATIVE CLOSURES

Administrative closures occur when a complaint is closed without a confidential personnel hearing for procedural or jurisdictional reasons, such as the absence of a prima facie allegation of misconduct, withdrawal by the complainant, inability to contact or obtain cooperation from the complainant, mootness, or other circumstances that prevent further investigation.

During the reporting period, the PAB administratively closed 22 cases filed by 13 unique complainants. One complainant was associated with 10 of the 22 administratively closed cases (45.5%), while the remaining 12 cases (54.5%) were submitted by 12 different complainants.

The overall share of cases resolved through administrative closure remained largely unchanged from the prior year. In 2024, 33 of 46 closed cases (71.7%) were administratively closed, compared to 22 of 31 closed cases (71.0%) in 2025. While the proportion of administratively closed cases was similar across both years, the underlying distribution differed considerably. In 2024, a single complainant accounted for 29 of the

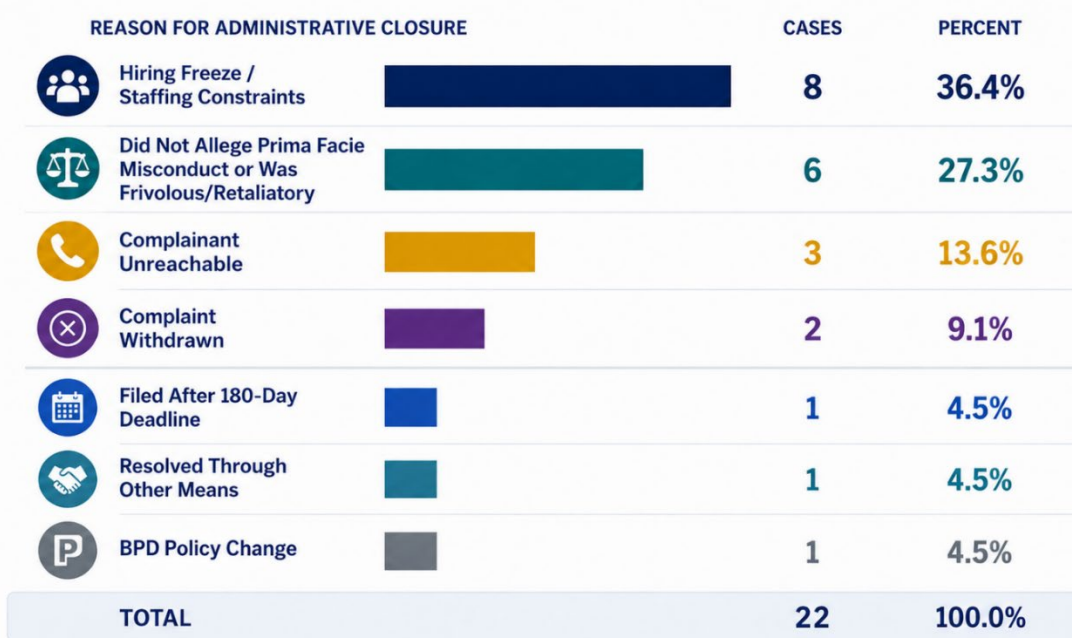
33 administratively closed cases (87.9%), whereas in 2025 the largest single complainant accounted for 10 of 22 administratively closed cases (45.5%).

Administrative closures occurred for a variety of procedural, administrative, and case-specific reasons that prevented the complaints from proceeding through the full investigative process. The most common reason for administrative closure in 2025 was staffing constraints associated with the City's hiring freeze, which resulted in 8 cases (36.4%) being administratively closed. An additional 6 cases (27.3%) were administratively closed because the complaints did not allege prima facie misconduct or were determined to be frivolous or retaliatory.

In 3 cases (13.6%), the complainant could not be reached despite follow-up attempts by the ODPa staff. Two cases (9.1%) were administratively closed after the complainant voluntarily withdrew the complaint.

Each of the remaining three administrative closures occurred for a unique reason. These included a complaint filed after the Charter's 180-day filing deadline, a complaint resolved through other means, and a complaint rendered moot following a Berkeley Police Department policy change that addressed the concern raised by the complainant.

Figure 5. Reasons for Administrative Closure of Complaints, 2025



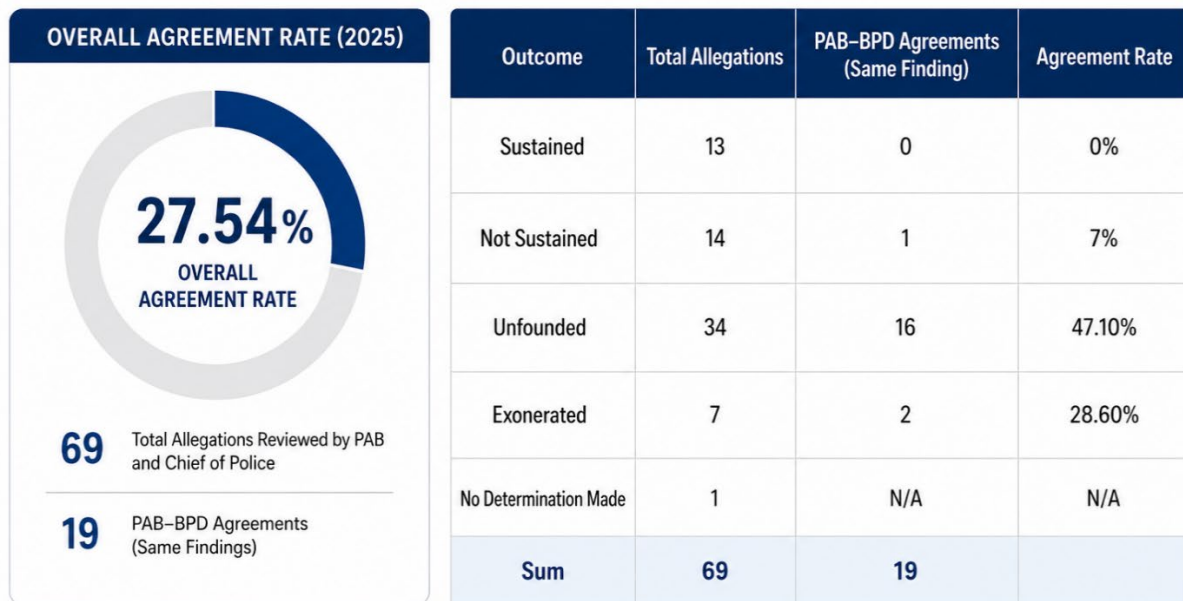
AGREEMENT RATE ANALYSIS

Agreement rates provide insight into the extent to which the PAB, Chief of Police, and City Manager reach similar conclusions regarding allegations of misconduct. After the PAB

issues findings on complaint, those findings are forwarded to the Chief of Police, who issues a tentative decision. When the Chief's findings on an allegation differ from those of the PAB, the Director may appeal the matter to the City Manager for a final determination. If no appeal is filed, the Chief's tentative findings become final. If an appeal is filed, the City Manager's determination is final.

In 2025, the PAB reviewed 69 allegations across nine complaints. The PAB and Chief reached the same conclusion on 19 allegations, resulting in an agreement rate of 27.5 percent. Unfounded was the most common shared disposition, accounting for 16 of the 19 agreements (84.2 percent).

Figure 6. PAB-Chief of Police Agreement Rates by Dispositions, 2025



Allegations for which the PAB and Chief did not reach the same conclusion were eligible for appeal to the City Manager. During 2025, the City Manager reviewed 20 allegations arising from four cases and issued determinations on five allegations. Of those, the City Manager agreed with the PAB in one instance (20.0 percent) and with the Chief in four instances (80.0 percent).

BPD COMPLAINT DATA

The BPD accepts and investigates complaints involving both sworn and unsworn department personnel through its Internal Affairs process. Complaints filed with the ODPa that involve sworn officers are also investigated by BPD's Internal Affairs Unit as part of the City's dual-investigation model. However, complaints filed directly with BPD


are investigated through the Department's internal process and are not forwarded to the ODPa for independent review or investigation.

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

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


DRAFT

Figure 7. Internal Affairs Bureau Statistics



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.

PAB'S POLICY WORK IN 2025

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

The following section provides an overview of the Police Accountability Board's policy work in 2025, pursuant to Section 125(16)(b)(1)(iii) of the Berkeley City Charter, which requires reporting on policy complaints undertaken by the Board. While policy complaints constitute one basis for initiating such work, a Board's policy review may also be undertaken on the Board's own initiative or in response to requests or identified needs of the City. This section summarizes the policy reviews received and the Board's consideration of the issues and topics that arose over the course of the year.

OVERSIGHT OF POLICIES, PRACTICES, AND EMERGING ISSUES

In 2025, the PAB continued to evaluate police policies and practices, along with emerging public safety issues through policy reviews, annual reporting requirements, formal recommendations, and examination of matters affecting police accountability and public trust. These efforts extended beyond the Board's review of individual complaints and reflected its broader responsibility to assess the policies, technologies, and governance frameworks that shape policing in Berkeley. The PAB also continued its efforts to advance regulations governing the investigation of misconduct by sworn members of BPD, which were originally submitted in 2022 and remained subject to the meet-and-confer process at year-end.

One area of the PAB's policy work focused on agreements and cooperative arrangements involving external agencies. As part of its annual review of BPD mutual aid agreements, the PAB examined how these partnerships may affect police operations, information sharing, public transparency, and civilian oversight. Through this process, the PAB sought to ensure that interagency agreements remained consistent with community expectations, City policies, and Berkeley's accountability framework.

Particular attention was given to Mutual Aid Agreement 3.1 between BPD and the United States Citizenship and Immigration Services (USCIS). The PAB evaluated the agreement through the lens of accountability, public trust, and Berkeley's sanctuary city policies. Board members expressed concern that the agreement could permit information sharing that, while authorized under its terms, may not align with the intent of local policies regarding involvement in federal immigration enforcement. The PAB also noted that changes in federal immigration priorities could increase the likelihood that information shared for criminal investigative purposes may ultimately contribute to civil immigration enforcement activities. Following its deliberations, the PAB formally recommended that the agreement be terminated and encouraged the City Council and City Manager to

consider whether additional policy guidance or legislative action may be necessary to ensure Berkeley's sanctuary city objectives are fully reflected in departmental practices and interagency agreements.

The PAB's policy oversight also extended to broader policing practices and accountability measures. The PAB reviewed BPD Policy 307, Vehicle Pursuits, and provided recommendations concerning the Department's pursuit practices. This review examined the balance between public safety, officer safety, and accountability considerations associated with vehicle pursuits, as well as the effectiveness of existing safeguards governing pursuit decisions. Through this review, the PAB sought to ensure that pursuit policies appropriately balanced public safety needs with the risks posed to officers, community members, and individuals being pursued.

The PAB also devoted considerable attention to BPD's Annual Controlled Equipment Report and implementation of the Police Equipment and Community Safety Ordinance. In reviewing the Department's reporting on the acquisition, use, and deployment of controlled equipment, the PAB identified concerns regarding compliance with local reporting requirements and recommended that those issues be addressed prior to approval of the report. These discussions reflected the PAB's ongoing commitment to ensuring that equipment with heightened public safety implications remains subject to meaningful oversight and public accountability.

In conjunction with this work, the PAB reviewed proposed amendments to the Police Equipment and Community Safety Ordinance. Throughout these discussions, the PAB considered how to balance administrative efficiency with the preservation of meaningful civilian oversight and public transparency. The PAB evaluated the potential impact of the proposed amendments on existing accountability mechanisms and reporting requirements. Ultimately, following input from both the PAB and BPD, the City Council adopted revisions that preserved the ordinance while reducing duplicative reporting requirements between the City's controlled equipment reporting process and California's state-mandated military equipment reporting framework.

In 2025, the PAB continued its oversight of surveillance technologies and related governance frameworks. During the year, members reviewed surveillance technology proposals, annual surveillance reports, and issues involving privacy, data governance, transparency, and public access to information. These discussions included fixed surveillance camera technologies, associated use policies, and proposals to expand surveillance capabilities, including the proposed deployment of Flock Safety Condor cameras.

Following its review, the PAB provided recommendations to the City Council regarding surveillance governance, reporting requirements, and accountability measures intended to ensure continued public oversight of surveillance technologies. The PAB ultimately supported the installation of fixed camera systems at the Berkeley Animal Shelter and Berkeley Jail, while broader proposals involving expanded camera deployments and other surveillance technologies for patrol operations remained under consideration and carried forward into 2026. Throughout these discussions, the PAB emphasized the importance of carefully evaluating both the public safety benefits and potential civil liberties implications associated with surveillance technologies.

Closely related to these discussions were broader questions regarding public access to information and transparency in law enforcement operations. During the year, the PAB considered BPD's transition to encrypted radio communications and expressed concerns regarding the potential impact of full radio encryption on public transparency, media access, and civilian oversight. While BPD ultimately proceeded with encryption, the PAB's discussions reflected the broader tension between operational and officer safety considerations and the public's ability to monitor police activity and remain informed about law enforcement operations.

In addition to reviewing existing technologies, the PAB examined emerging developments that may influence future policing practices. Anticipating future discussions regarding Unmanned Aircraft Systems and Drone as First Responder programs, the PAB voted to continue its collaboration with the UC Berkeley School of Law Criminal Law and Justice Center to support independent research and analysis of these technologies. The PAB also monitored developments related to artificial intelligence-assisted report writing systems and requested updates regarding their implementation and use. These efforts reflected a proactive approach to understanding how technological advancements may affect police operations, accountability systems, and community trust.

The PAB also presented its review of Fair and Impartial Policing initiatives and associated data reporting, emphasizing the importance of transparency, data-informed decision-making, and ongoing evaluation of policing outcomes. Through its review of available data and reporting practices, the PAB sought to ensure that accountability efforts remain informed by objective analysis and that both policymakers and the public have access to meaningful information regarding policing practices and outcomes.

Beyond these major initiatives, the PAB considered a variety of additional policies, operational practices, and accountability issues identified through annual reports, public input, policy discussions, and its broader oversight responsibilities. These conversations addressed topics related to transparency, procedural justice, community trust, and

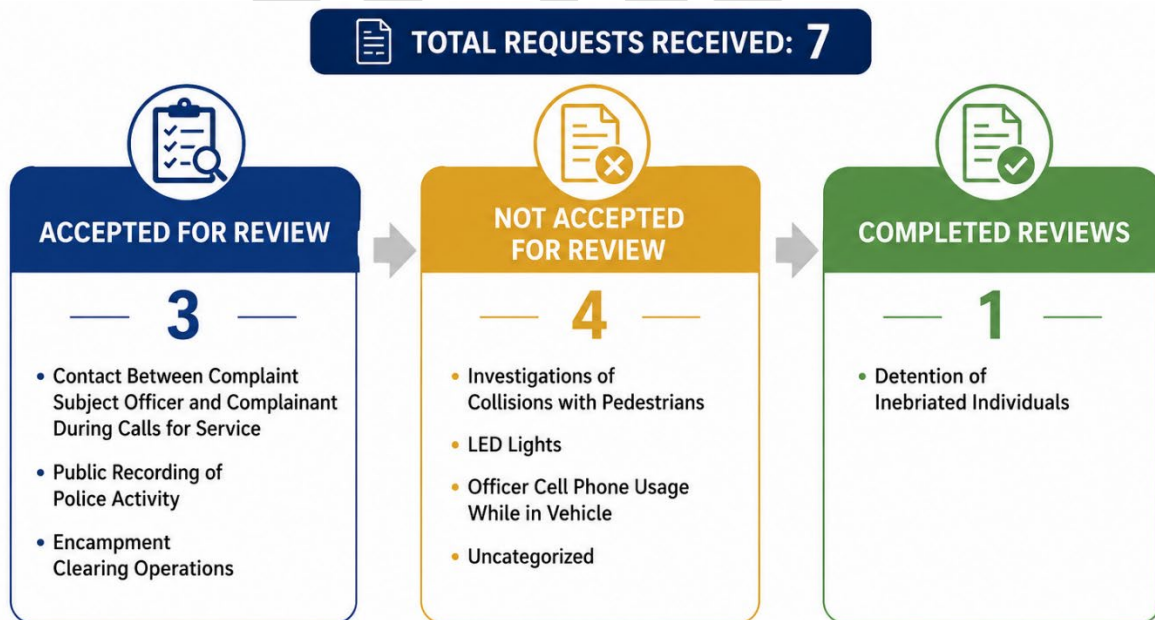
organizational accountability while helping the PAB identify emerging issues warranting future examination.

Across all these efforts, the PAB emphasized informed decision-making, meaningful public engagement, and independent civilian oversight. Collectively, these activities reflected the PAB's commitment to ensuring that policing policies, practices, technologies, and accountability systems remain subject to ongoing public review and evaluation. Many of the issues considered during 2025 remained active at year-end and are expected to continue as areas of focus in future years.

POLICY COMPLAINTS

In 2025, the PAB received seven policy complaints from members of the public. Each complaint was evaluated to determine whether it raised issues appropriate for formal policy review and within the Board’s jurisdiction. Of these submissions, three were accepted for further review and four were not accepted. One policy review was completed during 2025 and three remained pending at the end of the calendar year. These complaints, whether accepted or not, contributed to the Board’s broader understanding of emerging issues and informed its ongoing policy oversight work.

Figure 8. Policy Review Requests, 2025



Six policy review matters remained open at the close of 2025, reflecting a mix of reviews initiated between 2023 and 2025 as well as topics identified for potential review that were subsequently suspended. These matters address specific policy areas, including use of

force practices, medical and mental health response during law enforcement interactions, and administrative procedures such as record retention and enforcement practices. Several topics were suspended and remain pending reassessment, including involuntary injections and medical care during encounters, use of force during arrest, and the role of the Specialized Care Unit.

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

POLICY SUBCOMMITTEES

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

Table 1. Active PAB Subcommittees as of December 31, 2025





















SUBCOMMITTEE	STATED PURPOSE	ESTABLISHED	STATUS
 REGULATIONS	Serve as the PAB's liaison in the meet-and-confer process to develop permanent regulations governing the investigation of complaints against sworn BPD personnel.	 07-07-2021	 Active
 POLICY REVIEWS	Review Lexipol policy conversions, updates to BPD policies, and other policy matters referred by the PAB.	 11-08-2023	 Active
 OUTREACH & ENGAGEMENT	Develop PAB-ODPA outreach and engagement strategies and review officer commendation recommendations.	 11-08-2023	 Active
 METRICS & OPERATIONS	Develop organizational goals, performance measures, and operational metrics for the PAB and ODPA.	 02-25-2025	 Active
 ARREST QUOTA PROHIBITION	Review the development and implementation of BPD's arrest quota prohibition policy.	 05-21-2025	 Active
 ENCAMPMENT CLEARANCE POLICIES & PRACTICES	Review encampment clearance policies, practices, and incidents identified in ODPA Policy Complaints 2025-PR-0004 and 2025-PR-0005.	 06-25-2025	 Active

Table 2. Subcommittees Concluded Prior to December 31, 2026

SUBCOMMITTEE	STATED PURPOSE	ESTABLISHED	CONCLUDED
 FAIR & IMPARTIAL POLICING IMPLEMENTATION	Monitor and assess BPD's implementation of the City Council's Fair and Impartial Policing initiatives.	 Aug. 4, 2021	 May 21, 2025
 SURVEILLANCE TECHNOLOGY POLICY	Review BPD surveillance technology acquisition reports in accordance with BMC 2.99.030(2).	 Jun. 7, 2023	 Mar. 19, 2025
 DOWNTOWN TASK FORCE & BIKE UNIT ALLEGATIONS	Review BPD policies, practices, and procedures related to allegations involving inappropriate text messages within the Downtown Task Force and Bike Unit.	 Nov. 15, 2022	 Mar. 19, 2025
 CONFLICT OF INTEREST	Examine legal questions regarding potential conflicts of interest arising from the PAB and BPD both being represented by the City Attorney's Office.	 Mar. 29, 2023	 Feb. 25, 2025
 BUDGET & METRICS	Analyze the budgets of the PAB and BPD and develop metrics to assess organizational outcomes.	 Nov. 8, 2023	 Feb. 25, 2025
 OPERATIONS & PROCESSES	Assess ODPA-PAB operations and processes to improve efficiency and organizational effectiveness.	 Mar. 2, 2024	 Feb. 25, 2025
 BPD POLICIES 1010 & 1034 REVIEW	Review BPD Policies 1010 and 1034 concerning procedures for reviewing personnel complaints.	 Sep. 25, 2024	 Jul. 9, 2025

 These subcommittees completed their assigned work and were formally concluded prior to December 31, 2025.

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

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

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

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

METHODOLOGICAL CONSIDERATIONS AND ANALYTICAL LIMITATIONS

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

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

Several analyses included within this report, particularly those involving temporal demographic distributions, stop-type comparisons, housing-status comparisons, and post-stop search-rate analysis, are intended to identify broad patterns and disparities

within the data rather than establish definitive causal conclusions regarding officer intent or discriminatory conduct.

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

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

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

STOP DATA OVERVIEW

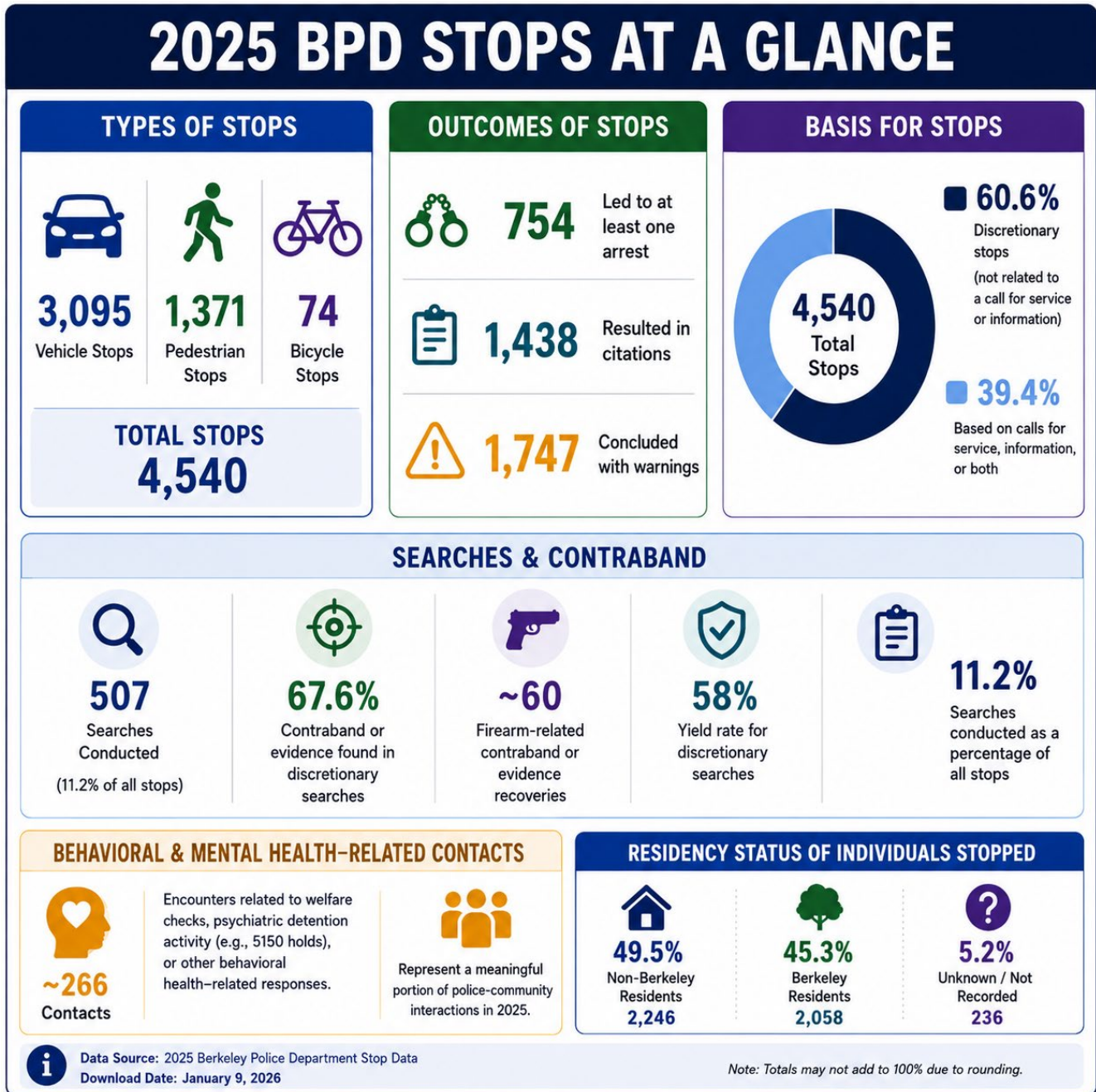
In 2025, BPD conducted a total of 4,540 stops, including 3,095 vehicle stops, 1,371 pedestrian stops, and 74 bicycle stops. Approximately 60.6% of these encounters were discretionary in nature, while the remaining 39.4% were associated with calls for service, information-based stops, or both.

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

Of the individuals stopped, 49.5% were identified as non-Berkeley residents, 45.3% were Berkeley residents, and 5.2% had residency status that was unknown or not recorded. Analysis of discretionary search outcomes indicated an estimated contraband or evidence recovery rate of approximately 67.6%; however, search classification and evidence fields within the dataset contain methodological limitations that may affect precision. The dataset also documented approximately 60 firearm-related contraband or evidence recoveries during stop activity.

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

Figure 9. Overview of BPD Stop Data, 2025



DEMOGRAPHICS OF INDIVIDUALS BEING STOPPED AND BIAS ASSESSMENT

The 2025 stop dataset reported by the Berkeley Police Department (BPD) included approximately 4,540 person-level stop records documenting traffic stops, pedestrian stops, bicycle stops, and other detention-related encounters occurring during the reporting period. Consistent with California RIPA reporting requirements, demographic variables reflected throughout this section are based on officer-perceived demographic classifications recorded at the time of the stop.

The purpose of this section is twofold:

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

The analytical framework utilized in this review incorporates:

- descriptive demographic analysis,
- population-based assessment,
- residency contextualization,
- temporal demographic analysis,
- stop-type analysis,
- housing-status contextualization,
- and post-stop outcome disparity analysis.

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

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

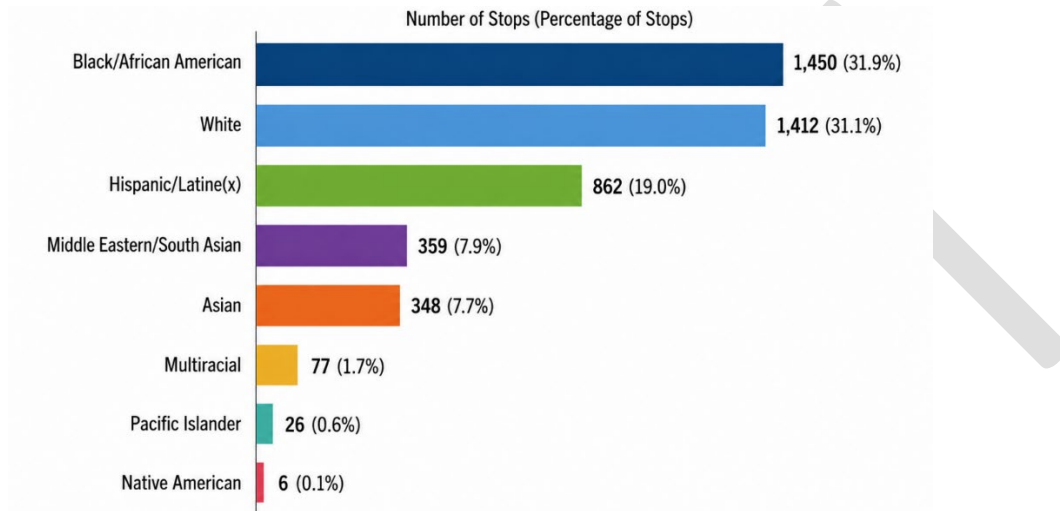
Some demographic categories reflected comparatively small sample sizes within the 2025 dataset. As a result, descriptive statistics for these groups are included for completeness and transparency; however, caution should be exercised when interpreting

comparative disparities because small sample sizes can produce unstable percentage distributions and limit statistical reliability.

PERCEIVED RACE AND ETHNICITY

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

Figure 10. Police Stops by Perceived Race and Ethnicity



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

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

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

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

- commuter patterns,

- public-space exposure,
- housing instability,
- behavioral health crises,
- socioeconomic inequality,
- traffic density,
- geographic deployment patterns,
- nightlife activity,
- calls for service,
- and differential rates of time spent in public settings.

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

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

POPULATION-BASED ASSESSMENT

ODPA and the PAB reviewed stop demographics relative to Berkeley's residential population demographics.

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

- the racial and ethnic composition of individuals stopped; and

the racial and ethnic composition of the city's residential population. The population-based comparison demonstrates substantial disproportionality between stop demographics and Berkeley's residential demographics, particularly for Black/African American individuals.

Figure 11. Comparison of BPD Stop Demographics and Berkeley Residential Population

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%

Source: 1. U.S. Census Bureau American Community Survey (ACS) 5-Year Estimates

As a descriptive measure, this finding may indicate disparities that warrant further examination. However, population-based benchmarking has important methodological limitations as a test of bias that are widely acknowledged within policing research and California RIPA guidance. Specifically, residential population demographics do not necessarily reflect the population that is present within Berkeley, engaged in activities that may result in police contact, or otherwise exposed to enforcement activity during a given period.

Berkeley functions as a regional employment, educational, commercial, healthcare, and transportation hub with substantial commuter and visitor activity. As a result, the population exposed to police contact extends beyond Berkeley residents and may differ from the city's residential demographics.

In 2025, approximately half of all individuals stopped by the Berkeley Police Department were identified as non-Berkeley residents. Of all individuals stopped during the year, 2,246 individuals (49.5%) were identified as non-Berkeley residents, compared to 2,058 Berkeley residents (45.3%). Residency information was unknown or not recorded for an additional 236 individuals (5.2%).

The demographic composition of resident and non-resident stop populations also differed. Among Berkeley residents who were stopped, White individuals represented 37.5% of stops and Black/African American individuals represented 35.5% of stops. Among non-Berkeley residents, Hispanic/Latine(x) individuals accounted for 25.5% of stops compared to 11.7% among Berkeley residents, while individuals identified as Middle Eastern/South Asian represented 10.9% of non-resident stops compared to 6.4%

among resident stops. Asian individuals similarly represented a larger proportion of non-resident stops than resident stops.

These findings suggest that the population exposed to police contact within Berkeley differs from the city's residential population and that exposure to enforcement activity is influenced by factors beyond residency. Consequently, comparisons between stop demographics and residential census demographics cannot, by themselves, determine whether individuals of different racial or ethnic groups are stopped at disproportionately high rates relative to their actual presence within the population exposed to police contact.

For this reason, population-based benchmarking is generally considered a preliminary indicator rather than a standalone test of bias. While substantial disparities between stop demographics and residential demographics may identify areas requiring further review, additional analyses are necessary to assess whether those disparities persist when accounting for factors such as residency status, stop circumstances, geographic location, time of day, enforcement activity, search rates, search outcomes, and other contextual variables.

Accordingly, the results of the population-based assessment should be interpreted as one component of a broader analytical framework rather than as conclusive evidence of either the presence or absence of discriminatory policing practices.

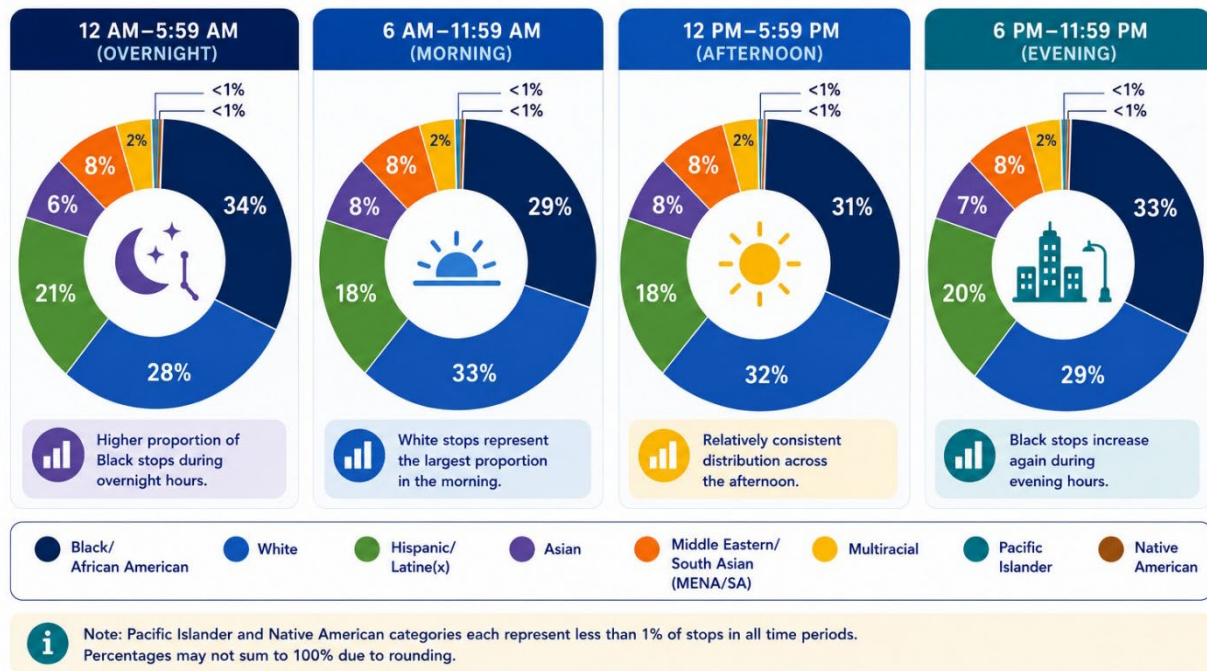
TEMPORAL DEMOGRAPHIC ANALYSIS

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

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

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

Figure 12. Racial Distribution of Stops Across Operational Time Periods, 2025



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

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

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

- nightlife-related activity,
- DUI enforcement,
- public-space interactions,
- commuter traffic,
- calls for service,

- behavioral health incidents,
- and differing deployment strategies.

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

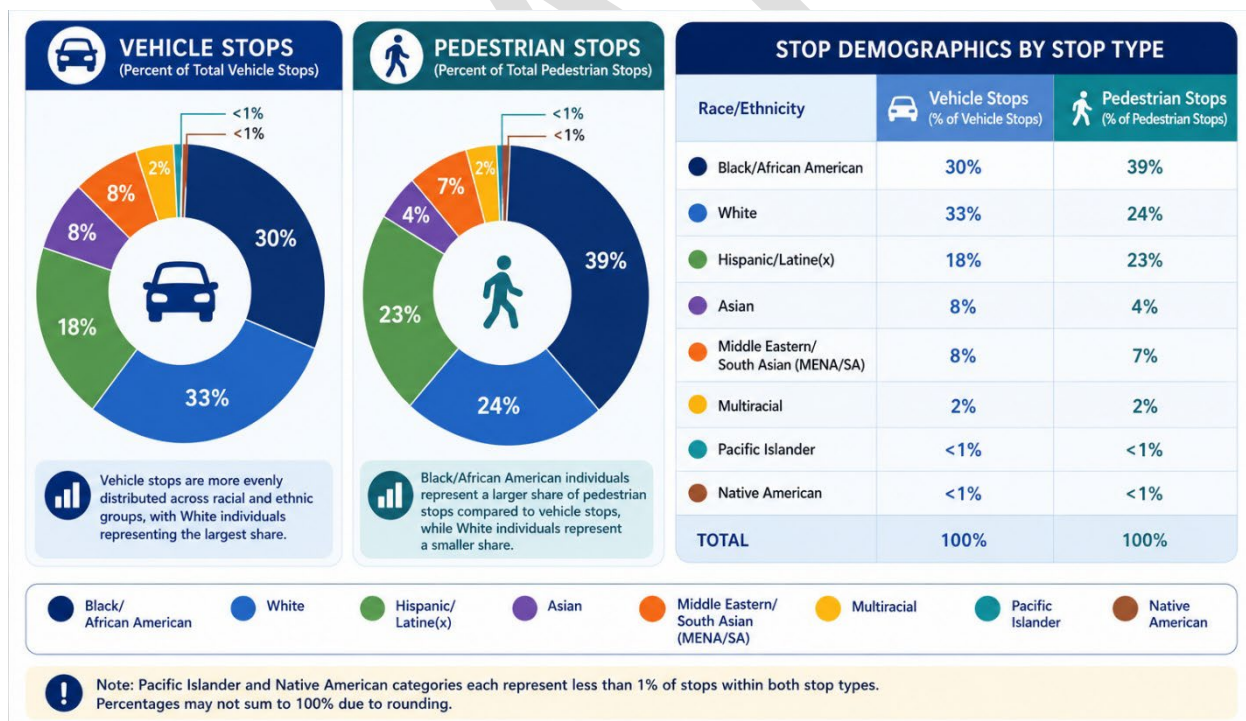
STOP-TYPE ANALYSIS

ODPA and the PAB additionally reviewed stop activity across major stop categories.

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

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

Figure 13. Stop Demographic by Stop Type, 2025



The analysis indicated that Black/African American individuals represented a larger proportion of pedestrian stop activity relative to vehicle stop activity, while White individuals represented a larger proportion of vehicle stop activity. Pedestrian stops are generally more influenced by:

- public-space exposure,
- homelessness-related interactions,
- behavioral health-related activity,
- complaint-driven policing,
- and neighborhood-level deployment patterns.

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

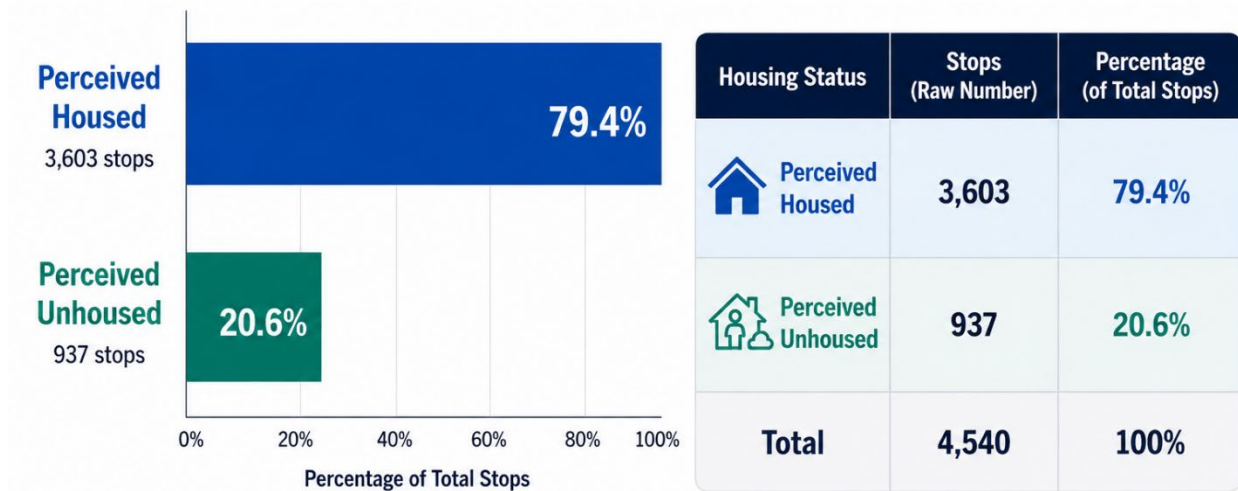
These findings suggest that some racial disparities within aggregate stop activity may be influenced by differing levels of exposure to public-space enforcement and service-related interactions in addition to discretionary traffic enforcement activity.

DRAFT

HOUSING STATUS CONTEXTUALIZATION

ODPA and the PAB additionally reviewed stop activity involving individuals perceived as unhoused. Approximately one in five stop records involved individuals perceived as unhoused.

Figure 14. Housing Status of Individuals Stopped, 2025



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

- increased time spent in public spaces,
- welfare checks,
- complaint-driven policing,
- behavioral health-related calls,
- service-related interactions,
- and quality-of-life-related enforcement activity.

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

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

Table 3. BPD Stops by Perceived Housing Status and Race/Ethnicity, 2025

Race/Ethnicity	Perceived Housed (29.4%) Percentage of Total Stops	Perceived Unhoused (20.6%) Percentage of Total Stops
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%
TOTAL	100%	100%

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

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

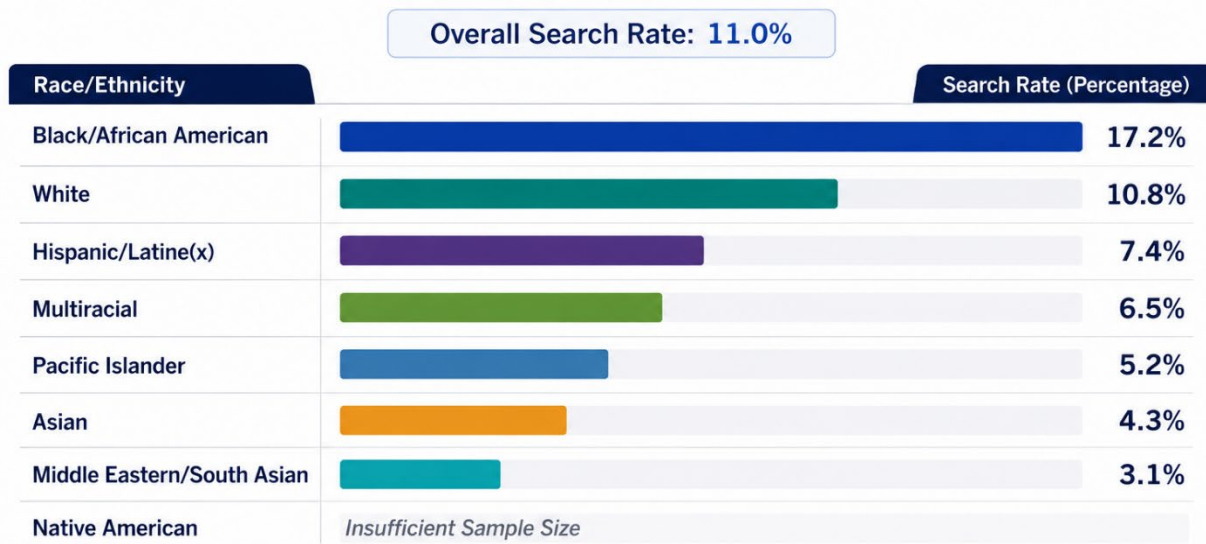
POST-STOP OUTCOME DISPARITY ANALYSIS

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

Search rates were calculated as:

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

Figure 15. Search Rates Following Police Stops by Race and Ethnicity, 2025



The analysis identified measurable variation in post-stop search rates across demographic groups. Black/African American individuals experienced the highest search rate among major racial and ethnic groups (17.2%), followed by White individuals (10.8%). Search rates for all other reported racial and ethnic groups were below the overall search rate of approximately 11%.

Because search-rate analysis focuses on individuals who have already been stopped, it is often considered analytically stronger than population-based benchmarking. Rather than comparing police activity to residential demographics, the analysis evaluates discretionary decisions made after police contact has occurred.

To provide additional context regarding search outcomes, ODPa and the PAB also examined search yields, sometimes referred to as "hit rates." Search yield measures the percentage of searches that resulted in contraband or evidence being located.

$$\text{Search Yield (Hit Rate)} = \text{Searches Resulting in Contraband/Evidence Found} \div \text{Total Searches Conducted}$$

Table 4. Search Yield (Hit Rate) by Perceived Race and Ethnicity

Percentage of searches resulting in contraband or evidence being found

Race/Ethnicity	Searches Conducted (Count)	Searches with Contraband/Evidence Found (Count)	Search Yield (Hit Rate) (Percentage)
Black/African American	250	158	63.2%
Hispanic/Latine(x)	64	40	62.5%
White	153	94	61.4%
Asian	15	9	60.0%
Multiracial	7	4	57.1%
Pacific Islander*	7	4	57.1%
Middle Eastern/South Asian*	11	5	45.5%
Native American*	—	—	<i>Insufficient Sample Size</i>
Overall	507	314	61.9%



Overall search yield was **61.9%**, meaning contraband or evidence was identified in approximately six out of every ten searches conducted.

Overall, contraband or evidence was located in 61.9% of searches conducted during 2025. Search yields were generally similar across several major racial and ethnic groups. Black/African American individuals had a search yield of 63.2%, Hispanic/Latine(x) individuals had a search yield of 62.5%, White individuals had a search yield of 61.4%, and Asian individuals had a search yield of 60.0%. Search yields for Multiracial and Pacific Islander individuals were 57.1%, while individuals identified as Middle Eastern/South Asian had a search yield of 45.5%. Several of these estimates were based on relatively small numbers of searches and should therefore be interpreted cautiously.

The search-yield findings provide important context for the search-rate disparities. While Black/African American individuals experienced the highest search rate, searches involving Black/African American individuals resulted in contraband or evidence being found at a rate generally comparable to searches involving White, Hispanic/Latine(x), and Asian individuals. More broadly, search yields among the largest demographic groups clustered within a relatively narrow range of approximately 60% to 63%.

Outcome disparity analyses such as search-rate and search-yield testing are often considered analytically stronger than population-based comparisons because they evaluate police decision-making and outcomes among individuals already subjected to police contact. At the same time, these measures have important limitations. Search decisions and search outcomes may be influenced by differing stop circumstances, legal

authorities for the search, probation or parole status, calls for service, officer observations, and other operational conditions associated with individual encounters.

Accordingly, while the search-rate disparities identified in this analysis warrant continued monitoring and evaluation, the available data does not independently establish that the disparities were solely attributable to discriminatory policing practices. Similarly, the search-yield findings should not be interpreted as evidence of either the presence or absence of discriminatory policing. Rather, both analyses should be considered alongside additional contextual information, including stop circumstances, geographic patterns, time-of-day patterns, and other outcome measures as part of a broader assessment of potential disparities in police contact and enforcement activity.

OVERALL ASSESSMENT

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

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

- housing instability,
- behavioral health response,
- socioeconomic inequality,
- public-space exposure,
- commuter activity,
- geographic deployment patterns,
- and differing levels of exposure to police contact across populations.

The analyses conducted by ODPa and the PAB did not identify strong evidence that racial disparities were driven primarily by temporal enforcement patterns or visibility-based discretionary decision-making alone. Instead, the findings indicate that observed disparities are likely influenced by a combination of policing practices, deployment

conditions, social exposure factors, and broader structural inequities that affect rates of police interaction across demographic groups.

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

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

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

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

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

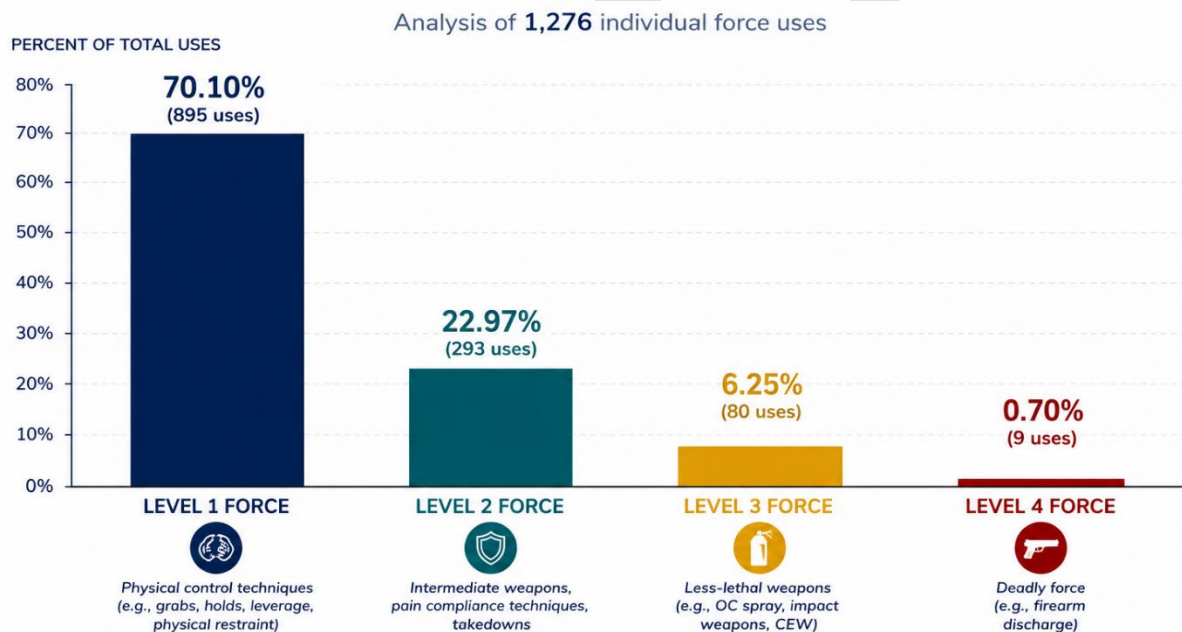
USE OF FORCE LEVELS, OUTCOMES, AND DEMOGRAPHIC TRENDS

During 2025, the Berkeley Police Department (BPD) documented 276 reportable use of force incidents involving approximately 316 individual subjects. Consistent with the Department's revised 2021 use-of-force policy, the data includes a broader range of reportable force applications than under prior reporting standards, including lower-level

control techniques that previously may not have required formal documentation. As a result, the data provides a more comprehensive view of officer force applications across the spectrum of police encounters.

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

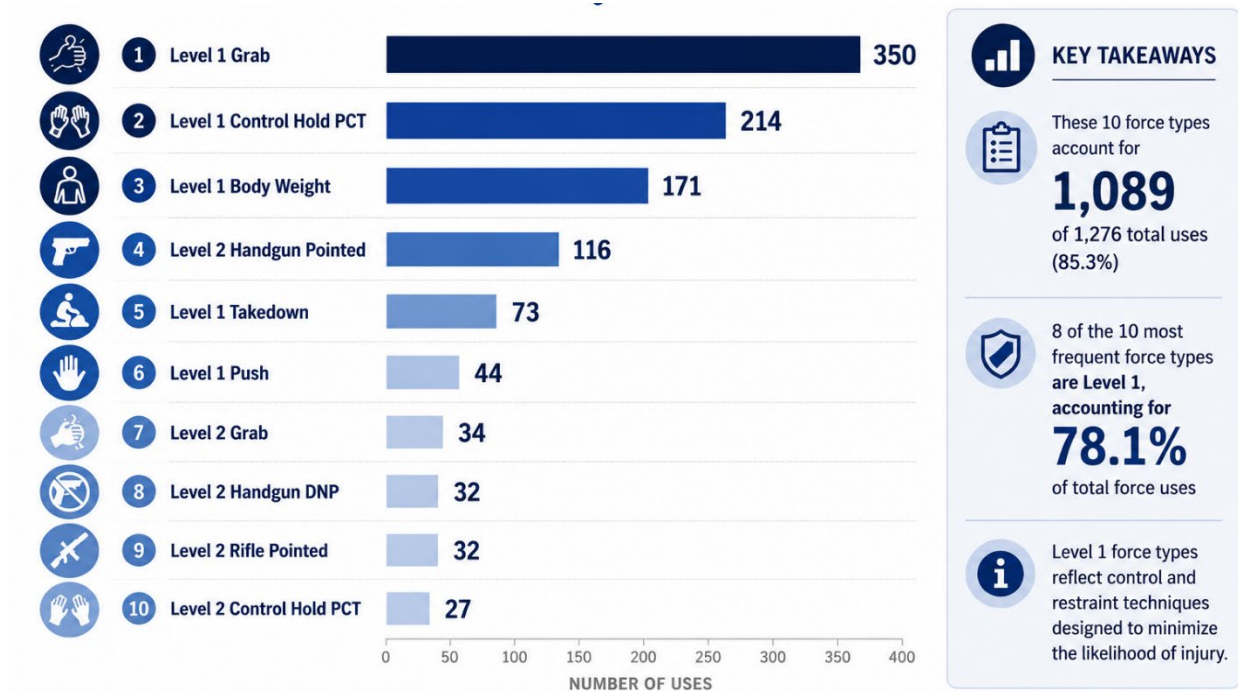
Figure 16. Use of Force Incidents by Force Level, 2025



The distribution of force types further reflects the concentration of reported force incidents within lower-level force categories. The most frequently documented force application was Level 1 Grab (350 uses), followed by Level 1 Control Hold PCT (214 uses) and Level 1 Body Weight (171 uses). Together, these three techniques accounted for a substantial proportion of all reported force uses and are consistent with physical control methods intended to establish or maintain control of an individual while minimizing the likelihood of injury. The most frequently reported Level 2 force action was Handgun Pointed (116 uses). Other commonly reported force types included Level 1 Takedown (73 uses), Level 1 Push (44 uses), Level 2 Grab (34 uses), Level 2 Handgun DNP (32 uses), Level 2 Rifle Pointed (32 uses), and Level 2 Control Hold PCT (27 uses). Overall, the prevalence of these force types indicates that reported force incidents most often

involved control and restraint techniques, while higher-level force applications occurred less frequently during the reporting period.

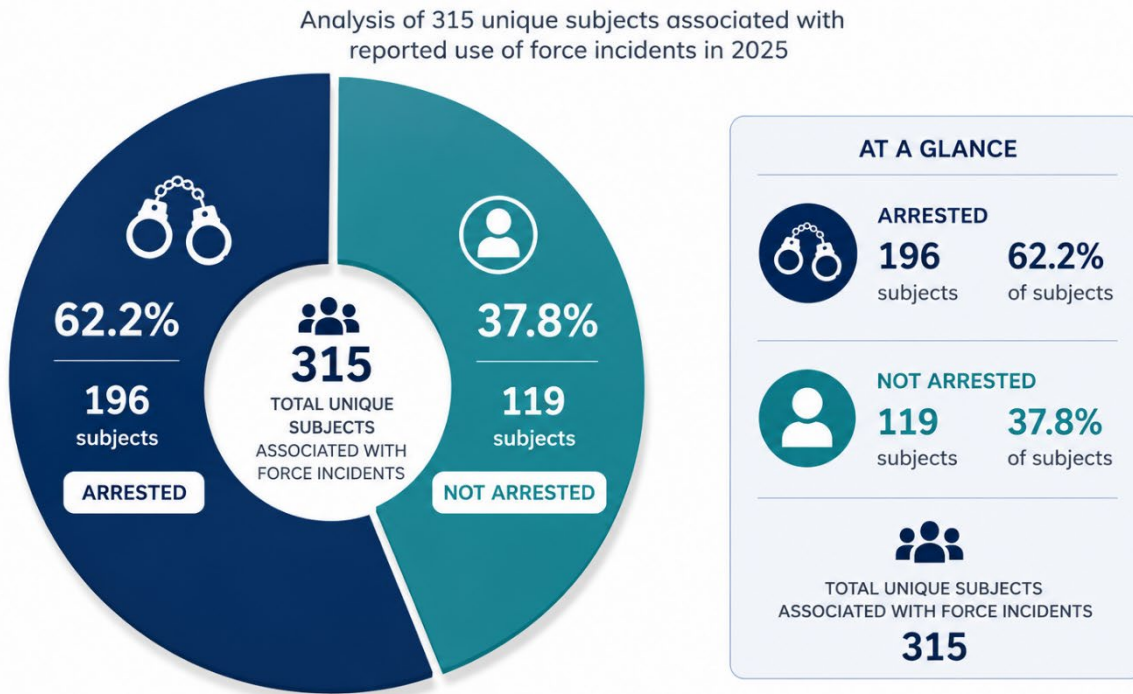
Figure 17. Most Common Use of Force Types Reported in 2025



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

Among subjects associated with reported force incidents, approximately 62.2% were arrested, while 37.8% were not ultimately taken into custody. This distinction is significant because it demonstrates that force incidents are not limited exclusively to arrest situations and may also occur during behavioral health interventions, investigative detentions, or other police-citizen encounters.

Figure 18. Custodial Outcomes of Individuals Involved in Use of Force Incidents, 2025



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

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

Table 5. Demographic Distribution of Subjects Involved in Use of Force Incidents

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%
Total	315	100.0%

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

Table 6. Age Distribution of Individuals Associated with Use of Force Incidents, 2025

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%
Total	315	100.0%

The data also provides insight into behavioral and situational factors present during force incidents. A substantial number of incidents involved subjects identified as being under

the influence of drugs or alcohol, experiencing mental health crises, or otherwise exhibiting altered states. Incidents involving 5150 detentions and combative behavior accounted for a meaningful share of the Department’s overall force reporting activity, highlighting the continued intersection between police response responsibilities and behavioral health-related calls for service.

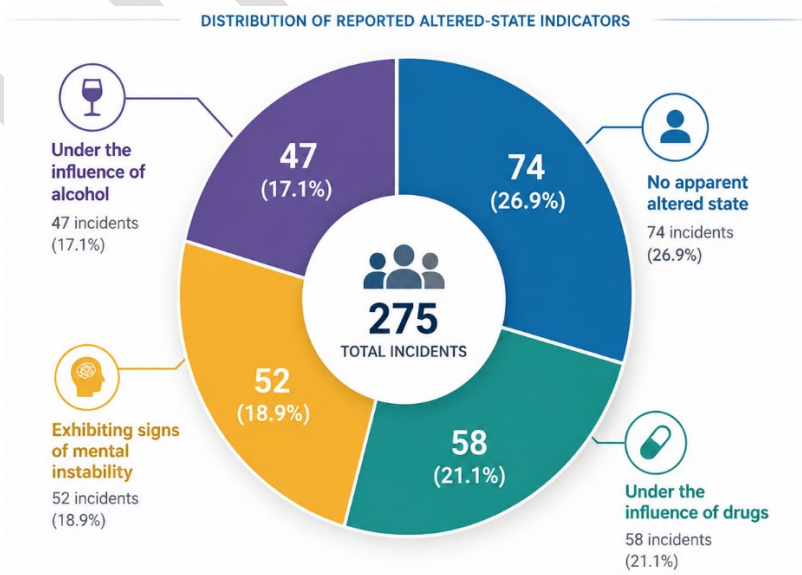
Figure 19. Behavioral and Situational Factors Associated with Use of Force Incidents, 2025



BEHAVIORAL AND MENTAL HEALTH FACTORS

Use of force was reported in incidents involving individuals perceived to be under the influence of alcohol (47 incidents), under the influence of drugs (58 incidents), exhibiting signs of mental instability (52 incidents), or displaying no apparent altered state (74 incidents).

Figure 20. Reported Altered-State Indicators in Use of Force Incidents, 2025



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

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

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

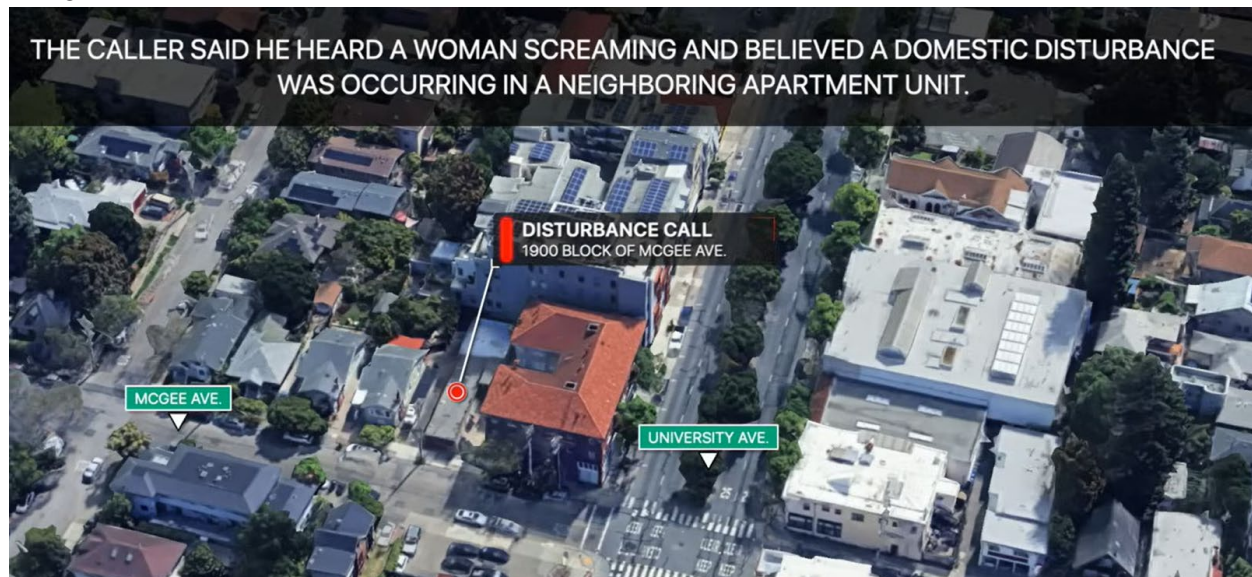
OFFICER-INVOLVED SHOOTINGS

In 2025, the Berkeley Police Department reported one officer-involved shooting (OIS), classified under BPD policy as a Level 4 use of force incident. Officer-involved shootings represent the most serious category of force and are subject to multiple layers of administrative and criminal review due to their significance for public safety, accountability, and community trust.

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

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

obligations.



BPD TRAINING AND EDUCATION

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

In calendar year 2025, Berkeley Police Department personnel completed a total of 16,872.5 hours of training, more than double the 7,065 hours recorded in 2024, reflecting a 139% year-over-year increase. These hours were distributed across five primary categories:

- Tactical & Operational – 7909 hours
- Management and Leadership – 5105.5 hours
- Legal and Legislative – 2158 hours
- Conferences and Seminars – 1536 hours
- Technology & Systems– 164 hours

The most frequently covered training topics included:

- Firearms – 1682 hours
- Supervisory Skills – 1537 hours
- Crisis Management and Response – 1408 hours
- Bomb Threat Response – 534 hours

Approximately 54.4% of the Department's total training hours were specifically certified by the California POST.

PROGRESS, CHALLENGES, AND FUTURE PRIORITIES

2025 was a year of continued progress and growth for the PAB as it advanced its mission of promoting transparency, accountability, and public trust through policy review, regulatory development, community engagement, and oversight activities. The year was characterized by significant progress across several key areas, including the development of research partnerships, the expansion of policy oversight efforts, and the continuation of community engagement initiatives. At the same time, the Board navigated resource constraints, operational challenges, and evolving public safety issues that affected its work. The accomplishments and challenges of 2025 informed the Board's priorities for 2026 as it continues its efforts to strengthen Berkeley's police accountability framework.

2025 ACCOMPLISHMENTS

EXPANDING POLICY REVIEW AND OVERSIGHT

The Board continued to fulfill its oversight responsibilities by reviewing policies, technologies, and practices affecting policing in Berkeley. During the year, the Board examined surveillance technology proposals, including fixed surveillance cameras, drones, and other public safety technologies, and provided recommendations to the City Council regarding their implementation and oversight.

The Board also reviewed military equipment matters, monitored implementation of the Berkeley Police Department's Early Intervention System, participated in discussions related to public safety technologies and procurement processes, evaluated vehicle pursuit policies, reviewed mutual aid agreements, and examined other issues affecting accountability and public trust.

These efforts reflected the Board's commitment to ensuring that policing policies and practices remain consistent with Berkeley's accountability framework, community expectations, and principles of transparency. spent a significant number of hours participating in the meet-and-confer process and collaborated with City stakeholders to review proposed regulatory provisions, provide feedback, and advance discussions aimed at establishing a comprehensive and sustainable framework for police accountability oversight. Progress made during 2025 helped move the regulations process closer to completion and positioned the Board to make finalization and

implementation of the regulations its highest organizational priority for 2026. Once adopted, the regulations will provide greater clarity, consistency, transparency, and procedural guidance for complaint investigations and oversight activities.

STRENGTHENING COMMUNITY ENGAGEMENT

Community engagement remained a central component of the Board's work throughout 2025. Board members and ODPa staff participated in a variety of outreach and engagement activities designed to increase public awareness of police accountability processes and provide opportunities for community input.

These efforts included participation in community visioning sessions, discussions regarding immigration and sanctuary city policies, Juneteenth celebrations, Hispanic Heritage Month activities, demonstrations of emerging public safety technologies, and other community-focused events. The Board also expanded its public outreach efforts through a LinkedIn pilot program and continued working with community organizations and stakeholders throughout Berkeley, particularly those involved in the struggle to ensure the rights of immigrants and refugees.

Community feedback received throughout the year informed Board discussions on policy matters, transparency initiatives, and public accountability issues while helping identify opportunities to improve access to oversight resources and complaint processes.

BUILDING PARTNERSHIPS AND PROFESSIONAL COLLABORATION

The Board continued to strengthen relationships with community organizations, academic institutions, and civilian oversight agencies. These partnerships enhanced the Board's access to subject matter expertise, informed policy discussions, and supported its evaluation of emerging issues affecting police accountability and public trust.

As part of these efforts, the Board maintained engagement with the National Association for Civilian Oversight of Law Enforcement (NACOLE), collaborated with academic partners such as UC Berkeley Law's Criminal Law and Justice Center, and continued building relationships with professionals and organizations involved in oversight, accountability, and public safety reform. These connections provided valuable opportunities for information sharing, professional development, and the exchange of best practices in civilian oversight.

The Board's commitment to collaboration and community engagement also extended to the development of new educational and outreach initiatives. In the summer of 2025, the ODPa welcomed its first cohort of interns, hosting five YouthWorks interns and one intern from UC Berkeley's Public Service Center. Throughout the year, interns contributed to a

variety of projects designed to enhance public awareness of police accountability and strengthen community engagement efforts. Their work included helping organize the ODPAs Use of Force Community Workshops, which provided residents with an opportunity to learn about Berkeley's Use of Force Policy and engage in discussions regarding police accountability.

In addition to supporting outreach activities, interns assisted ODPAs staff with research on public safety and police accountability issues while gaining practical experience in data analysis, research methods, and other technical skills relevant to public-sector oversight and policy work.

Building upon these partnerships and outreach efforts, the Board and ODPAs also established a new collaboration with UC Berkeley's Social Sector Solutions program. Through this partnership, the Board and ODPAs began evaluating existing outreach activities and developing recommendations for a long-term community engagement strategy aimed at increasing public awareness, strengthening relationships with community members, and expanding participation in police accountability discussions.

Collectively, these partnerships and collaborative initiatives expanded the Board's capacity to engage with the community, access specialized expertise, and incorporate emerging best practices into its work, further supporting its mission to promote effective civilian oversight, accountability, and public trust.

CHALLENGES ENCOUNTERED DURING 2025

STAFFING AND RESOURCE CONSTRAINTS

The most significant challenge affecting the work of both the Board and the ODPAs during 2025 was limited staffing capacity resulting from the City's hiring freeze. Multiple authorized positions within the ODPAs, including an investigator position and administrative support staff, remained vacant for much of the year. These vacancies reduced available capacity for investigations, policy review, community engagement, and administrative operations, requiring existing staff to assume additional responsibilities to maintain core functions and support the Board's work.

Despite these constraints, the Board and ODPAs continued to fulfill their primary responsibilities. However, these vacancies affected the pace at which certain initiatives could be advanced and reduced the ODPAs ability to undertake proactive policy reviews, expand outreach efforts, and pursue longer-term projects. Resource constraints also required the Board and ODPAs to make difficult operational decisions, including

prioritizing policy reviews and administratively closing certain complaints that were unlikely to be completed within required timeframes due to limited investigative capacity.

OPERATIONAL AND PROCEDURAL CHALLENGES

The Board also encountered operational challenges related to complaint investigations, policy review processes, and coordination with other City entities.

The PAB and ODPa experienced delays in obtaining records and investigative materials, which affected complaint timelines and the Board's ability to complete reviews as efficiently as desired. The Board also expressed concern regarding instances in which policies or public safety initiatives advanced through the City decision-making process before the Board had sufficient opportunity to complete its review and formulate recommendations. As a body subject to the Brown Act, the Board's ability to deliberate and take action outside of properly noticed public meetings is limited. As a result, the Board was occasionally required to conduct expedited reviews of consequential and high-profile policies within constrained timeframes, reducing opportunities for more extensive discussion, analysis, and public input.

COMMUNITY ENGAGEMENT CHALLENGES

While the Board's hybrid meeting format helped maintain accessible opportunities for public participation, increasing public awareness of the Board's role and available accountability resources remained an ongoing challenge. The Board identified opportunities to strengthen engagement with communities that may be less familiar with police accountability processes, including immigrant communities, unhoused individuals, young people, and other historically underrepresented groups.

Levels of public participation varied considerably throughout the year and were often influenced by the specific issue under discussion, suggesting that awareness of the Board and its work often remains tied to specific events or topics rather than ongoing engagement. This highlighted the need for a more comprehensive and sustained outreach strategy focused on increasing awareness of the Board's role, responsibilities, and available resources.

To address these challenges, the ODPa continued its partnership with UC Berkeley's Social Sector Solutions program to evaluate outreach efforts and identify opportunities to strengthen community engagement, improve public awareness, and expand participation in police accountability discussions.

PRIORITIES FOR 2026

Building upon the accomplishments and lessons learned during 2025, the Board identified several priorities for the coming year.

COMPLETE AND IMPLEMENT PERMANENT REGULATIONS

The Board's highest organizational priority for 2026 is completing the regulations process and supporting successful implementation of the final regulatory framework. Adoption of these regulations will establish clearer procedures governing complaint investigations, disciplinary reviews, and oversight activities while strengthening consistency, transparency, and accountability throughout the process.

STRENGTHEN POLICY REVIEW AND OVERSIGHT CAPACITY

The Board will continue working to improve its ability to review policies earlier in the decision-making process and before implementation, when practicable. Priority areas include surveillance technologies, mutual aid agreements, stop data, traffic enforcement practices, Fair and Impartial Policing reporting, and other matters within the Board's oversight authority.

The Board also intends to continue evaluating opportunities to improve complaint investigation timelines, strengthen accountability mechanisms, and ensure timely completion of its Charter-mandated responsibilities.

EXPAND COMMUNITY ENGAGEMENT AND PUBLIC AWARENESS

Building on outreach initiatives undertaken during 2025, the Board intends to expand public awareness of police accountability processes and increase engagement with communities that may be less familiar with available oversight resources.

Planned efforts include implementation of recommendations developed through the Social Sector Solutions partnership, continued participation in community events, expansion of digital communication efforts, and strengthened collaboration with community organizations and stakeholders.

The Board seeks to increase public understanding of its role, improve awareness of complaint processes, and encourage broader participation in police accountability discussions.

IMPROVE ORGANIZATIONAL CAPACITY AND PERFORMANCE MONITORING

The Board will continue evaluating opportunities to improve operational effectiveness through enhanced policy tracking, records management, complaint timeline monitoring, and performance measurement. The Board also remains committed to advocating for

the staffing and resources necessary to effectively fulfill its Charter-mandated responsibilities and support long-term organizational sustainability.

STRENGTHENING PARTNERSHIPS AND COLLABORATION

The Board will continue cultivating relationships with oversight agencies, academic institutions, community organizations, City leadership, and other stakeholders. These partnerships will support information sharing, strengthen policy analysis, provide access to specialized expertise, and enhance the Board's ability to respond to emerging issues affecting police accountability and public trust.

Through these efforts, the Board seeks to further promote transparency, accountability, and public confidence in Berkeley's police accountability system while continuing to fulfill its Charter-mandated responsibilities.

CONCLUSION

The work of the PAB and ODPa during 2025 reflects the ongoing effort to strengthen police accountability, transparency, and public trust in Berkeley. Through complaint investigations, policy review, data analysis, community engagement, and oversight of emerging public safety issues, the PAB and ODPa continued to fulfill their Charter responsibilities while contributing to broader discussions regarding policing, accountability, and community safety.

The year presented both opportunities and challenges. The Board advanced important policy discussions, continued progress toward permanent regulations governing complaint investigations, expanded partnerships with community and academic organizations, and maintained independent oversight of police practices and technologies. At the same time, staffing limitations, resource constraints, and evolving public safety issues required the Board and ODPa to carefully prioritize their work while continuing to meet their core obligations.

The findings and information presented throughout this report demonstrate that effective civilian oversight requires more than the review of individual complaints. Meaningful accountability depends upon ongoing examination of policies, practices, data, technologies, and systems that shape police operations and public interactions. It also requires sustained engagement with community members, transparency in government decision-making, and a willingness to evaluate both successes and areas for improvement.

As Berkeley moves into 2026, the PAB and ODPa remain committed to strengthening the City's police accountability framework through independent oversight, evidence-informed

policy review, community engagement, and continuous evaluation of policing practices. The Board will continue working to ensure that accountability systems remain responsive to community concerns, adaptable to emerging challenges, and consistent with the principles of fairness, transparency, and public service.

The PAB and ODPa thank the residents of Berkeley, community organizations, City staff, elected officials, and members of the Berkeley Police Department who participated in the accountability process during the year. Through continued collaboration, constructive dialogue, and shared commitment to public trust, Berkeley can continue to build and strengthen a system of civilian oversight that serves both the community and the public interest.

--- END OF REPORT ---

DRAFT

GUIDING DOCUMENTS AND AUTHORITY

U.S. Constitution:

<https://www.archives.gov/founding-docs/constitution>

State of California Constitution:

[https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=CONS&tocTitle="+California+Constitution+-+CONS](https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=CONS&tocTitle=)

California Government Code:

<https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=GOV>

City of Berkeley Charter, Section 125. Police Accountability Board and Director of Police Accountability: <https://berkeley.municipal.codes/Charter/125>

Interim Regulations for Handling Complaints Against Sworn Officers of the Police Department:

https://berkeleyca.gov/sites/default/files/2022-02/PAB-ODPA.Interim.Reggs_.Approved.2021-10-05.pdf

Berkeley Police Department Law Enforcement Manual

https://berkeleyca.gov/sites/default/files/2026-03/RELEASE_20260310_T164544_Berkeley%20PD%20Policy%20Manual.pdf

Police Accountability Board's Standing Rules:

https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf

City of Berkeley Commissioners' Manual, 2025 Edition:

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

Item 9.c.

Materials for the Discussion of BPD's Proposed Acquisition Report and Surveillance Use Policy for Investigative Software:

- 1. Memorandum from Chair Cayetano and Vice-Chair Wilson Titled "Community Video Streams: Assessment of BPD Responses to PAB Recommendations"**
- 2. BPD's Proposed Acquisition Report and Surveillance Use Policy for Investigative Software**



MEMORANDUM

Date: June 11, 2026
To: Honorable Members of the Police Accountability Board (PAB)
From: Chair Cayetano and Vice Chair Wilson
Subject: Community Video Streams: Assessment of BPD Responses to PAB Recommendations

This memorandum compares the issues identified by the Police Accountability Board (PAB) in its March 18, 2026, letter, to the Berkeley City Council (Council) regarding the Community Video Streams (CVS) program – covering both the Surveillance Acquisition Report (Acquisition Report) and Use Policies 355 and 1306 – with the Berkeley Police Department’s (BPD) June 2, 2026, supplemental submission to the Public Safety Policy Committee.¹ Applicable sections of the original letter are reproduced (sometimes condensed), followed by BPD’s response as outlined in the supplemental submission and an assessment of the status of the presented issue.²

Note that since the time of the PAB’s March letter, the council has directed the issuance of a Request for Proposals (RFP) for surveillance technology and architecture; references in the letter to the Flock Master Services Agreement are therefore superseded, and remaining gaps relating to vendor obligations are reframed as requirements for the RFP and any resulting contract.

Background

The Community Video Streams program would allow BPD to access voluntarily registered private cameras through a cloud-based platform via API. Camera owners retain control

¹ Surveillance Technology Ordinance BPD Submissions for Community Video Streams and Investigative Software, Pursuant to Council Direction of May 7, 2026: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2026-06-02_Agenda_Packet_-_Public_Safety.pdf?utm_source=chatgpt.com%23page=9

² Attachment 1: PAB 3/18/2026 Letter to City Council titled “BMC 2.99 Compliance Review: Community Video Streams (Policies 355/1306) and External Fixed Video Surveillance Cameras (Policy 351 Redline).”

and can revoke access at any time. The first four years of operating costs are covered under BPD's existing agreement; annual subscription costs are estimated at \$65,000 thereafter. BPD submitted Policy 355, Policy 1306, and a Surveillance Acquisition Report to the PAB on February 21, 2026.

Surveillance Acquisition Report – BMC 2.99.020.3

Impact Assessment – BMC 2.99.020.3(d)

March PAB Letter: BMC 2.99.020.3(d) requires an assessment of potential disparate or adverse impacts on communities or groups. The Acquisition Report's Section 4 acknowledges privacy considerations in general terms but does not address whether surveillance activity will be concentrated in areas with particular demographic characteristics. Given that the policy prioritizes integration of cameras in named business improvement districts (Elmwood, Solano, Telegraph, Fourth Street, and Downtown), this is a substantive weakness.

BPD response (June submission): BPD commits to conducting a disparate impact analysis as part of implementation, mapping camera coverage against census-tract demographic data (race/ethnicity, income, primary language). Findings will be incorporated into the BMC 2.99 annual report and published on the city's website.

Assessment: The ordinance requires this analysis as part of the acquisition report itself – BMC 2.99.020.3(d) calls for an assessment of 'potential' disparate or adverse impacts, meaning a prospective analysis conducted before adoption, not a retrospective one based on actual program data. BPD's proposed post-adoption sequencing does not satisfy the municipal code requirement.

Third-Party Dependence – BMC 2.99.020.3(i)

March PAB Letter: BMC 2.99.020.3(i) requires the Acquisition Report to address whether a third party may have access to data or the right to sell or share it. Section 9 states that evidentiary footage will be stored on Evidence.com and that non-evidentiary data remains with camera owners. Still, it does not address what rights the platform vendor holds as operator.

BPD response (June submission): BPD proposes adding language to both the Acquisition Report and the Use Policies stating that the vendor may access data only to operate the platform, that BPD holds no standing pool of CVS data with the vendor, and that non-city law enforcement agencies may obtain retained evidentiary footage only through standard evidence-sharing protocols with Investigations Captain pre-authorization.

Assessment: The proposed language addresses the access framework. The forthcoming RFP and any resulting contract should expressly prohibit the selected vendor from using city data for purposes beyond service delivery and from retaining anonymized derivatives for product development.

Experience of Other Entities – BMC 2.99.020.3(k)

March PAB Letter: BMC 2.99.020.3(k) requires a summary of the experience of comparable entities "including any unanticipated financial or community costs and benefits." Acquisition Report Section 11 cites Oakland's December 2025 adoption and references Alameda County, Vacaville, Elk Grove, and San Francisco entirely in affirmative terms. No adverse findings are mentioned.

Specifically with respect to community video streams, the public record tells a different story. Oakland's Privacy Advisory Commission voted 4–2 to recommend that the Council not adopt the policy needed to integrate private cameras into the platform. A lawsuit was filed in Alameda County Superior Court on November 18, 2025, alleging OPD repeatedly violated state law by sharing ALPR data with federal agencies, including the FBI, DEA, and ICE. Alameda County voted in February 2026 to table a platform contract extension. San Francisco was reported to have shared Oakland's data with federal agencies in apparent violation of SB 34. The California Attorney General sued El Cajon in October 2025 for systematic illegal data sharing. A compliant Section 11 survey would have disclosed this record.

BPD response (June submission): BPD proposes adding language to Section 11 citing Detroit's Project Green Light and Chicago's Operation Virtual Shield as the primary adverse comparators – programs faulted for continuous citywide monitoring, facial recognition pairing, and lack of regulation – then distinguishing Berkeley's more limited proposal from those programs.

Assessment: The proposed text does not satisfy BMC 2.99.020.3(k). Detroit's Project Green Light and Chicago's Operation Virtual Shield are city-owned camera networks, not voluntary private-camera integration programs – they are not comparable to a CVS program.

Policies 355 and 1306

No First Amendment Prohibition – Both Policies

March PAB Letter: Neither policy contains an explicit prohibition on using community video streams to monitor First Amendment assemblies, protests, or political activity. BMC 2.99.020.4(b) requires the policy to specify prohibited uses. An explicit prohibition consistent with BPD Policy 428 should be added.

BPD response (June submission): BPD agrees and proposes language for Policy 1306.2 prohibiting access to streams for the purpose of monitoring constitutionally protected activity, with a narrow public-safety exception requiring that any such access be documented with particularity in the system log including the specific articulable threat justifying access.

Assessment: Responsive. The PAB should confirm that the language will be applied to Policy 355 as well as Policy 1306.

Data Retention – Policy 1306

March PAB Letter: BMC 2.99.020.4(g) requires: (1) the time period for which information will be routinely retained; (2) why that period is appropriate; (3) the deletion process; and (4) conditions for extended retention. Section 1306.7 states that evidentiary data is "retained in accordance with state law and existing Departmental evidence retention protocols" and that non-evidentiary data remains with camera owners. It satisfies none of the four requirements.

BPD response (June submission): Staff proposes revised Policy 1306.7 language addressing all four BMC elements for evidentiary footage: retention period tied to applicable statute of limitations; basis in evidentiary/legal requirements of the associated investigation; extension authorization by the Investigations Division Captain documented in the case record; and destruction via Evidence.com purge upon expiration with no active legal hold.

Assessment: Responsive for evidentiary footage. Non-evidentiary footage is explicitly deferred to camera owners' own schedules, which BPD characterizes as an intentional feature of the CVS architecture since BPD does not own or continuously store non-evidentiary video.

Third-Party Data Sharing – Immigration Reporting – Both Policies

March PAB Letter: Both policies require the Chief of Police to report any federal immigration enforcement data request within 10 days to an unspecified recipient. Policy 351 – covering the same platform – requires 72-hour notification to the City Manager, City Attorney, and City Council. There is no basis for the inconsistency. The 72-hour standard with named recipients should be adopted in Policies 355 and 1306.

BPD response (June submission): BPD states that the 72-hour vendor-data-transfer notification in Policy 351 does not technically apply to CVS because BPD holds no standing pool of CVS data with a vendor – BPD controls only evidentiary footage in its own digital evidence system. BPD offers to add parallel 72-hour language for cross-policy consistency if the Public Safety Committee requests it.

Assessment: While CVS does not currently create a standing vendor data pool the way fixed cameras do, once CVS footage is embedded in the Real-Time Crime Center, as is contemplated by the forthcoming RFP, it will become part of the data pool held by the RTCC vendor, and the rationale for the 72-hour notification standard applies directly. The Public Safety Committee should require that parallel language be added.

Vendor Sanctions – Policy 1306

March PAB Letter: Section 1306.11 addresses sanctions for BPD personnel violations but does not establish any legally enforceable mechanism against the vendor for misuse, unauthorized access, or data security violations. BMC 2.99.020.4(k) requires legally enforceable sanctions for intentional violations.

BPD response (June submission): None. The supplemental contains no response to the vendor sanctions requirement.

Assessment: BMC 2.99.020.4(k) requires legally enforceable sanctions for intentional violations. Vendor sanctions are contractual rather than policy-based, but Policy 1306 should reference the sanctioning mechanism. Most importantly, the forthcoming RFP and resulting contract must contain appropriate sanctions provisions.

Audit Cycle – Both

March PAB Letter: Both policies require audits "at least biennial." The Council has already directed a biannual (twice per year) audit standard for the fixed camera program on the same platform. Community video streams should be audited with similar frequency. Audit results should be reported directly to the PAB.

BPD response (June submission): BPD confirms it will change "biennial" to "twice a year" in Policy 1306.11.

Assessment: The frequency fix is responsive. The supplemental submission does not address the recommendation that audit results be reported directly to the PAB.

Cross-Platform Integration – Policy 355

March PAB Letter: Section 355.3.3 explicitly permits integration of community video streams with ALPR on a shared dashboard. If the drone program also proceeds, all programs will be integrated on a single platform capable of identifying a vehicle by plate, pulling fixed and community camera footage, and dispatching an aerial drone to track it in real time. Neither the CVS policies nor the acquisition report addresses what rules govern this combined use: permissible query types, logging requirements for cross-

technology searches, or safeguards against exceeding individual program authorizations.

BPD response (June submission): BPD acknowledges the concern but states that BMC 2.99's technology-by-technology structure does not currently authorize a single cross-platform use policy. Staff notes that the Investigative Software use policy addresses multi-technology platform interactions but does not alter primary use policies. Staff invites the council to direct a BMC 2.99 ordinance amendment to enable a combined framework.

Assessment: BPD has identified a legitimate structural constraint in BMC 2.99 but has not addressed the underlying issue. Given that the city will be issuing an RFP, these issues can be addressed in that vehicle: the RFP should require the selected vendor to operate within defined cross-platform use rules, and the policies should be updated to specify what queries, logging requirements, and safeguards apply when CVS data is used in combination with other technologies. The PAB should recommend that cross-platform rules be included as RFP requirements and as a condition of any resulting contract, independent of whether BMC 2.99 is ultimately amended.

Data Governance – Both

March PAB Letter: Neither Policy 355 nor Policy 1306 establishes any right for the city to limit or audit how the vendor uses city data beyond the service relationship. This is a gap under BMC 2.99.020.4(i) and (d).

BPD response (June submission): BPD asks the PAB to clarify what specific data governance or security risks it wants analyzed beyond the provisions already in Acquisition Report Sections 5 and 7 and Policy Sections 1306.5 and 1306.9.

Assessment: Because the city is proceeding with an RFP process, the PAB's response should reframe the request: the RFP should require all responding vendors to disclose their data licensing terms, whether they retain any license to use or derive value from city data beyond service delivery, and whether anonymized derivatives are subject to any ongoing vendor use rights.

Attachments:

1. PAB 3/18/2026 Letter to City Council titled "BMC 2.99 Compliance Review: Community Video Streams (Policies 355/1306) and External Fixed Video Surveillance Cameras (Policy 351 Redline)."



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

March 18, 2026

VIA ELECTRONIC MAIL [Email]

Honorable Mayor Ishii and Members of the City Council
Council@berkeleyca.gov
2180 Milvia Street
Berkeley, California 94704

Re: BMC 2.99 Compliance Review: Community Video Streams (Policies 355/1306) and External Fixed Video Surveillance Cameras (Policy 351 Redline)

Dear Mayor and Honorable Councilmembers,

In this letter, the Police Accountability Board (PAB) addresses two surveillance technology items coming before the Berkeley City Council (Council) on March 24, 2026: the proposed Community Video Streams (CVS) program and the redlined Policy 351 governing city-owned fixed cameras. Concerns about Flock Safety as the vendor common to both programs, and about the Flock Safety Master Services Agreement (MSA) submitted to the PAB on March 10, 2026, are addressed in a separate communication to Council (cover letter). This letter focuses on compliance with Berkeley Municipal Code (BMC) Chapter 2.99 requirements specific to the CVS program and Policy 351. The Board also notes that the CVS policies and Surveillance Acquisition Report were provided to the PAB on February 21, 2026, leaving a limited review period before Council consideration, given the scope of the proposed program and its integration with other surveillance technologies on the Flock platform.

In short, pursuant to its authority under BMC 2.99.030(2), the PAB finds that BPD's Surveillance Acquisition Report for Community Video Streams does not meet the requirements under BMC 2.99.020(3) and recommends that BPD resubmit a revised report and recommends approval of BPD's proposed External Fixed Video Surveillance Cameras Use Policy with some modifications.

Recommendations

The PAB recommends that the city council:

- **Community Video Streams — Require the BPD to take additional steps prior to final Council action.** Prior to approving or rejecting the proposal, the PAB recommends that council require the BPD to:
 - (1) add an explicit prohibition on surveillance of First Amendment activity;
 - (2) specify concrete data retention periods with the four elements required by BMC 2.99.020.4(g);
 - (3) conduct a disparate impact analysis addressing whether camera coverage is concentrated in areas with particular demographic characteristics;
 - (4) supplement Section 11 of the Acquisition Report to disclose adverse findings from comparable jurisdictions;
 - (5) update immigration reporting to match the 72-hour standard and named recipients in Policy 351 section 351.6;
 - (6) add rules governing combined cross-platform use of all integrated technologies on the FlockOS platform, including ALPR, fixed cameras, community video streams, and drones;
 - (7) add legally enforceable sanctions for vendor violations; and
 - (8) amend both policies to expressly limit Flock's data use to what is strictly necessary for service delivery, consistent with the MSA amendments recommended in the cover letter.

- **Policy 351 — Approve with modifications.** Council directed a series of modifications to this policy in July 2025. The redline implements most but not all; specifically, section 351.7 must be corrected from “biennial” to “biannual” (twice per year) as Council directed. In addition, the removal of the integration prohibition in section 351.3.3 enables consolidation of all four Flock programs on FlockOS without a fresh BMC 2.99 assessment — the PAB recommends either restoring the prohibition or requiring a new acquisition report addressing the combined-use system before the programs advance to Council (see cover letter); (3) the dual immigration reporting provisions should be reconciled into a single clearly drafted provision; and (4) an explicit First Amendment protection should be added consistent with Policy 428.

- **Both programs — Adopt consistent standards across all Flock policies.** The 72-hour federal access notification with named recipients (City Manager, City Attorney, City Council) in Policy 351 §351.6 should be applied uniformly to Policies 355 and 1306. Audit results for both programs should be reported directly to the PAB. Both programs should

report audits biannual (twice per year) consistent with the Council-directed standard for fixed cameras.

- **Both programs - Establish legally enforceable sanctions against Flock Safety as vendor.** Both the CVS policies and Policy 351 sanction BPD personnel for misuse but establish no enforceable mechanism against Flock for unauthorized access, unauthorized feature activation, or data security violations. BMC 2.99.020.4(k) requires legally enforceable sanctions for intentional violations. This gap should be addressed both through express policy provisions and through the MSA amendments recommended in the cover letter.
- **Both programs - Add explicit First Amendment protection to all applicable policies.** Neither the CVS policies nor the updated Policy 351 contains a prohibition on using the relevant technology to monitor First Amendment assemblies, protests, or political activity. An explicit prohibition consistent with BPD Policy 428 should be added to each policy.
- **Both programs - Require proactive audits of Flock access logs.** The 72-hour federal access notification in section 351.6 is triggered by "discovery" of an incident rather than the incident itself. The Mountain View breach went undetected for over a year because no one was reviewing Flock's access logs. Both programs should require BPD to proactively audit Flock platform access logs on a regular basis so that unauthorized access is detected rather than waited upon. Audit results should be reported directly to the PAB.

PART I: COMMUNITY VIDEO STREAMS — POLICIES 355 AND 1306

I. Background

The Community Video Streams program would allow BPD to access voluntarily registered private cameras through Flock's FlockOS platform via a cloud-based API. Camera owners retain control and can revoke access at any time. The first four years of operating costs are covered under BPD's existing Flock agreement; annual subscription costs are estimated at \$65,000 thereafter. BPD submitted Policy 355, Policy 1306, and a Surveillance Acquisition Report to the PAB on February 21, 2026.

The PAB remains concerned about the timing of the submission of proposed policies to the PAB. As the PAB has explained in prior communications, such as its October 28, 2025 correspondence relating to the encryption of police radio channels,¹ the Berkeley Police Department (BPD)

¹ October 28, 2025 PAB Letter to Council re: Importance of Proper Vetting for Public Safety Policy Changes – Concerns About Item 18 “Authorization to Encrypt Berkeley Police Department Radio Channels”:

continues to provide the PAB with insufficient time to substantively review policies that profoundly impact how policing happens in Berkeley. At the January 27, 2026 City Council meeting, the Council responded to these concerns by increasing the prior review period for policies covered by the Police Equipment Ordinance, BMC 2.100, from 30 to 45 days.² The Council also asked Chief Louis to collaborate with the PAB to ensure that it has sufficient time to review policies, given Brown Act agenda requirements and the cadence of PAB regular meetings.

Chief Louis submitted the CVS policies to the PAB on Saturday, February 21, 2026. Although this was more than 30 days prior to the March 24th Council meeting, the PAB was only able to agendaize discussion of this proposal at one PAB meeting due to Brown Act agenda requirements. Had we received this policy only one day earlier, we would have been able to agendaize it for the PAB's February 25th meeting, assign a Board member to meet with BPD to discuss, and take additional action. As it were, the PAB considered the policy for the first time as a board at our March 11, 2026 meeting.

The February 21, 2026 submission of the CVS policy did not provide the PAB with sufficient time to research policy issues, discuss potential changes with BPD, hear from outside stakeholders, and reach a final recommendation. Therefore, the PAB only recommends that the Council require BPD to take specific actions that would allow for a fuller analysis but stop short of approving the proposed use and acquisition of the new technology.

II. Procedural Compliance

BPD's submission of Policy 355, Policy 1306, and the Acquisition Report on February 21, 2026, appears procedurally compliant. The three-document package maps to the requirements of BMC 2.99.030.2 and 2.99.030.3, which together require both a Surveillance Use Policy and a Surveillance Acquisition Report to be presented to the PAB before council approval is sought.

III. Acquisition Report — BMC 2.99.020.3

A. Impact Assessment — Section 4 / BMC 2.99.020.3(d)

BMC 2.99.020.3(d) requires an assessment of potential disparate or adverse impacts on communities or groups. The Acquisition Report's Section 4 acknowledges privacy considerations in general terms but does not address whether surveillance activity will be concentrated in areas with particular demographic characteristics. Given that the policy prioritizes integration of cameras in named business improvement districts (Elmwood, Solano, Telegraph, Fourth Street, and Downtown), this omission is a substantive weakness.

https://berkeleyca.gov/sites/default/files/documents/2025-10-28%20DPA%20Ltr%20to%20CoB%20Council-%20Radio%20Encryption%20Concerns_Final.pdf

² January 27, 2026 Berkeley City Council Regular Meeting Annotated Agenda: <https://berkeleyca.gov/sites/default/files/city-council-meetings/2026-01-27%20Annotated%20Agenda%20-%20Council.pdf#Page=11>

B. Third Party Dependence — Section 9 / BMC 2.99.020.3(i)

BMC 2.99.020.3(i) requires the Acquisition Report to address whether a third party may have access to data or the right to sell or share it. Section 9 of the Acquisition Report states that evidentiary footage will be stored on Evidence.com and that non-evidentiary data remains with camera owners but does not address what rights Flock holds as the platform operator — a gap that neither the CVS acquisition report nor the fixed camera acquisition report has remedied.

The July 2025 Surveillance Acquisition Report for the Flock Condor fixed cameras addressed the same requirement with identical inadequacy: “The City owns the data. Flock Safety states it will not share or sell customer data.” The MSA (section 4.1) does confirm that, as between Flock and the city, all right, title, and interest in customer data belong to and are retained solely by the city — so on that narrow point, the self-attestation is accurate. However, both acquisition reports omitted two critical qualifications. First, the city’s ownership coexists with an irrevocable, worldwide license Flock holds to use customer data as necessary to provide its services (section 4.1) — a license the city cannot revoke even if it has concerns about how Flock exercises it. Second, section 4.3 grants Flock the right to anonymize city data and then retain and use those anonymized derivatives under a separate perpetual, royalty-free license for any Flock product development or improvement purpose — a right that survives contract termination. Ownership of the underlying data does not limit what Flock can do with data it has already anonymized. The cover letter details these provisions and recommends specific MSA amendments. Any new consolidated acquisition report for the Flock ecosystem should also address the data shortcomings identified in this section.

C. Experience of Other Entities — Section 11 / BMC 2.99.020.3(k)

BMC 2.99.020.3(k) requires a summary of the experience of comparable entities, “including any unanticipated financial or community costs and benefits.” Acquisition Report Section 11 cites Oakland’s December 2025 adoption and references Alameda County, Vacaville, Elk Grove, and San Francisco entirely in affirmative terms. No adverse findings are mentioned.

Specifically with respect to community video streams, the public record from the cited jurisdictions tells a different story. Oakland’s Privacy Advisory Commission voted 4–2 to recommend that the Council not adopt the policy needed to integrate private cameras into Flock. A lawsuit was filed in Alameda County Superior Court on November 18, 2025 — on the same day the Council’s Public Safety Committee first considered the Flock contract, alleging OPD repeatedly violated state law by sharing Flock ALPR data with federal agencies, including the FBI, DEA, and ICE, with audit logs revealing millions of unauthorized external searches. The contract was approved only after a contested 7–1 vote and adoption of significant contractual amendments restricting inter-agency data access. In February 2026, Alameda County voted to table a Flock contract extension pending further review. San Francisco was reported in July 2025 to have shared Oakland’s Flock data with federal agencies in apparent violation of SB 34. The California Attorney General sued El Cajon in October 2025 for systematic illegal Flock data sharing with federal agencies. A compliant Section 11 survey would have disclosed this record.

The PAB recommends that the CVS program should not advance to Council until this comparative record is fully and accurately presented, whether in a corrected submission or as part of the consolidated Flock ecosystem acquisition report recommended in the cover letter.

IV. Surveillance Use Policy — BMC 2.99.020.4

A. No First Amendment Prohibition — Section 355.4.2; Section 1306.2 / BMC 2.99.020.4(b)

Neither policy contains an explicit prohibition on using community video streams to monitor First Amendment assemblies, protests, or political activity. BMC 2.99.020.4(b) requires the policy to specify prohibited uses. An explicit prohibition consistent with BPD Policy 428 should be added.

B. Data Retention — Section 1306.7 / BMC 2.99.020.4(g)

BMC 2.99.020.4(g) requires: (1) the time period for which information will be routinely retained; (2) why that period is appropriate; (3) the deletion process; and (4) conditions for extended retention. Section 1306.7 states that evidentiary data is “retained in accordance with state law and existing Departmental evidence retention protocols” and that non-evidentiary data remains with camera owners. It satisfies none of the four requirements. Specific retention language should be added.

C. Third Party Data Sharing — Vendor Rights and Immigration Reporting — Section 355.6; Section 1306.9 / BMC 2.99.020.4(i)

Flock’s data rights: The MSA confirms that the city retains ownership of its data, but that ownership coexists with significant Flock license rights — including an irrevocable service license (section 4.1) and a perpetual license to use anonymized derivatives for any Flock product purpose (section 4.3) — that are detailed in the cover letter. Neither Policy 355 nor Policy 1306 acknowledges these terms or establishes any city right to limit or audit how Flock exercises them. This is a gap under BMC 2.99.020.4(i) and 2.99.020.4(d). Both policies should be amended to expressly limit Flock's data use to what is strictly necessary for service delivery.

Immigration reporting: Both policies require the Chief of Police to report any federal immigration enforcement data request within 10 days to an unspecified recipient. Policy 351 — covering the same Flock platform — now requires 72-hour notification to the City Manager, City Attorney, and City Council. There is no basis for the inconsistency. The 72-hour standard with named recipients should be adopted in Policies 355 and 1306.

D. Vendor Sanctions — Section 1306.11 / BMC 2.99.020.4(k)

Section 1306.11 addresses sanctions for BPD personnel violations but does not establish any legally enforceable mechanism against Flock Safety for misuse, unauthorized access, or data security violations. BMC 2.99.020.4(k) requires legally enforceable sanctions for intentional violations. This should be addressed in the policies and in the MSA amendments recommended in the cover letter.

E. Audit Cycle — Section 355.7; Section 1306.11 / BMC 2.99.020.4(k)

Both policies require audits “at least biennial.” The Council has already directed a biannual (twice per year) audit standard for the fixed camera program on the same Flock platform. Community video streams should be audited with similar frequency. Both policies should be amended to require biannual audits. Results should be reported directly to the PAB.

F. Cross-Platform Integration — Section 355.3.3

Section 355.3.3 explicitly permits integration of community video streams with ALPR on a shared dashboard, and the redlined Policy 351 removes the prior prohibition on fixed camera integration with ALPR. If the drone program also proceeds, all four programs will be integrated on a single FlockOS platform — a system capable of identifying a vehicle by plate, pulling fixed and community camera footage, and dispatching an aerial drone to track it in real time. Neither the CVS policies nor the acquisition report addresses what rules govern this combined use: permissible query types, logging requirements for cross-technology searches, or safeguards against exceeding individual program authorizations. The cover letter recommends a consolidated BMC 2.99 assessment of the full Flock ecosystem to address these gaps.

PART II: POLICY 351 — EXTERNAL FIXED VIDEO SURVEILLANCE CAMERAS**I. Background and Procedural Context**

Policy 351 governs BPD’s City-owned fixed external cameras. In March 2025, Council approved 16 new locations and directed a vendor switch from Edgeworth Integration to Flock Safety. On July 22, 2025, the Council adopted Resolution No. 71,903-N.S., accepting the Flock Condor acquisition report and reaffirming the existing 2023 policies, while directing five specific updates. The following issues have been identified upon review of the redlined policy attempting to effectuate the Council’s July 2025 action.

II. Key Issues**A. Section 351.3.3 — Integration Prohibition Removed: Critical Policy Reversal**

The original Policy 351.3.3 explicitly prohibited integration of the video surveillance system with ALPR, gunshot detection, facial recognition, and other analytical systems. The redline strikes this prohibition entirely and replaces it with permissive language authorizing integration of “technologies not otherwise prohibited,” with the explicit example that “integration may occur on a shared access platform where video data and automated license plate reader data are viewable in the same system.”

This reversal authorizes the exact integrations the original policy banned, without any fresh BMC 2.99 acquisition report addressing the combined-use capabilities now enabled. The PAB recommends either restoring the prohibition or requiring a new acquisition report for the integrated

system before this policy advances to Council. The cover letter addresses the broader cross-program assessment needed across all four Flock programs.

B. §351.7 — Biannual Audit: Council Directive Not Implemented

Section 351.7 still reads “at least biennial” (every two years) rather than the Council-directed “biannual” (twice per year). This should be corrected. Audit results should also be reported directly to the PAB, not only to the Chief of Police.

C. §351.6 — Immigration Reporting: Improvement, but Inconsistencies Remain

The new 72-hour notification provision — requiring the Police Chief to notify the City Manager, City Attorney, and City Council within 72 hours when BPD-owned data stored with Flock is given to a federal agency — is a meaningful improvement. However, three issues remain:

- The 10-day provision (reporting a federal immigration data request) and the 72-hour provision (reporting actual data transfer) are now both present in Policy 351.6 without reconciliation. The trigger points, recipients, and timelines should be consolidated into a single, clearly drafted provision.
- The 72-hour clock runs from “discovery” of the incident, not from the incident itself. Given that Flock has repeatedly enabled access settings without notifying client agencies, a discovery-triggered clock provides weak protection. BPD should be required to proactively audit Flock access logs on a regular basis to detect unauthorized access before it is “discovered.”
- The 72-hour standard in Policy 351 should be applied uniformly to the community video stream policies (355 and 1306), which still require only 10-day notification to an unspecified recipient.

D. Section 351.4.2 — No First Amendment Protection

The prohibited activity section does not include an explicit prohibition on using fixed cameras to monitor First Amendment assemblies or political activity. Several of the newly approved camera locations are in areas with high levels of political demonstrations. An explicit First Amendment protection should be added consistent with Policy 428.

E. Vendor Sanctions — No Enforceable Mechanism Against Flock

Policy 351 establishes sanctions for BPD personnel violations but creates no legally enforceable mechanism against Flock Safety for misuse, unauthorized access, or data security failures. This gap is significant in the context of the fixed camera program: the integration prohibition in section 351.3.3 has been removed, meaning Flock now operates a combined ALPR-video dashboard with broader access to city data than any prior policy authorized. The Eugene, Oregon incident — in which Flock reactivated a camera the department had ordered shut down, and the department learned of it from a community member rather than from Flock — involved fixed cameras specifically. BMC 2.99.020.4(k) requires legally enforceable sanctions for intentional violations.

That requirement is effectively rendered hollow by the MSA's liability cap (section 9.1), which limits Flock's total exposure to approximately one year of fees regardless of the nature or scale of the violation. This should be addressed in the policies and in the MSA amendments recommended in the cover letter.

III. Compliance Summary Table

Issue	Policy Section	BMC 2.99 Provision	Applies To	Severity
No First Amendment / protest surveillance prohibition	Policy 355 §355.4.2; Policy 1306 §1306.2; Policy 351 §351.4.2	BMC 2.99.020.4(b)	Both programs	Significant
Flock Safety data rights not disclosed — acquisition reports rely on vendor self-attestation only	CVS Acq. Report §9; July 2025 Fixed Camera Acq. Report §9	BMC 2.99.020.3(i); BMC 2.99.020.4(d)	Both programs	Significant
Data retention periods unspecified — defers to 'existing protocols'	Policy 1306 §1306.7	BMC 2.99.020.4(g)	CVS only	Compliance Gap
Immigration reporting: recipient, format, and timeline inadequate; 10-day window inconsistent with 72-hour standard in Policy 351	Policy 355 §355.6; Policy 1306 §1306.9	BMC 2.99.020.4(i)	CVS only	Drafting Deficiency
§351.3.3 integration prohibition struck — enables ALPR-video consolidation on	Policy 351 §351.3.3	BMC 2.99.020.3 / 2.99.030	Fixed cameras only	Critical

Issue	Policy Section	BMC 2.99 Provision	Applies To	Severity
FlockOS without fresh BMC 2.99 assessment				
§351.7 biannual audit fix NOT COMPLETE — still reads 'biennial'; Council-directed fix unimplemented	Policy 351 §351.7	Council directive July 22, 2025	Fixed cameras only	Must Fix
Dual overlapping immigration reporting obligations not reconciled; 72-hour clock runs from 'discovery' not occurrence	Policy 351 §351.6	BMC 2.99.020.4(i)	Fixed cameras only	Drafting Deficiency
Audit results not required to go to PAB; no proactive access log review requirement	Policy 355 §355.7; Policy 1306 §1306.11; Policy 351 §351.7	BMC 2.99.020.4(k)	Both programs	Significant
Experience of other jurisdictions — adverse findings not disclosed	CVS Acq. Report §11	BMC 2.99.020.3(k)	CVS only	Substantive Weakness
No disparate impact analysis for camera concentration in named BIDs	CVS Acq. Report §4	BMC 2.99.020.3(d)	CVS only	Substantive Weakness

IV. Conclusion

For the reasons outlined above, the PAB recommends that the Council does not take final action on the proposed CVS use policies (Policies 355 and 1306) until:

- BPD has satisfied the requirements of BMC 2.99 and submits a revised acquisition report that describes (1) an impact assessment, (2) “the experience of other entities,” including “any unanticipated financial or community costs and benefits”; (3) “[a]n assessment identifying potential impacts on civil liberties and civil rights including but not limited to potential disparate or adverse impacts on any communities or groups; (4) an assessment of “third-party dependence and access.”
- BPD has integrated the oversight and accountability measures that the Council previously approved into the proposed use policies.
- BPD submits a consolidated acquisition report for the entire Flock ecosystem.

The PAB further recommends that the Council approve the Fixed Surveillance Camera use policy (Policy 351) conditioned on BPD’s implementation of the above-recommended changes.

Respectfully submitted,



Joshua Cayetano
Chair, Police Accountability Board

- Cc: Paul Buddenhagen, City Manager
David White, Deputy City Manager
Jennifer Louis, Chief of Police
Jen Tate, Deputy Chief of Police
Jose Murillo, Acting Director of Police Accountability
Farimah Brown, City Attorney
Mark Numainville, City Clerk

Item 9.d.

**Materials Regarding the Berkeley Police Department's 2026
Memoranda of Understanding Compendium and Proposed
Revision to the Review Schedule**



Office of the City Manager

PUBLIC HEARING

July 07, 2026

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Prepared by: Jennifer Louis, Chief of Police
Subject: Memorandum of Understanding (MOU) Compendium: Agreements with Other Law Enforcement Agencies and Private Organizations

RECOMMENDATION

Conduct a public hearing, and upon conclusion, adopt a Resolution to:

1. Approve the attached MOU Compendium reflecting the current operational agreements between the Berkeley Police Department and other law enforcement agencies and private organizations.
2. Accept the attached Suspicious Activity Report (SAR).
3. Accept the attached Mutual Aid requests and responses report as submitted in accordance with existing City Council directives.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impact of not approving these inter-agency operational agreements is difficult to quantify, but the potential costs to the City of Berkeley could be substantial. Without formal partnerships between agencies, the City could face significantly higher expenditures when responding to critical incidents or large-scale emergencies, including but not limited to major criminal investigations, civil unrest, natural disasters, or acts of terrorism. The absence of these agreements may also necessitate that the department develop and maintain additional internal expertise, equipment or specialized programs in order to meet operational needs independently. These agreements are essential for enabling coordinated, timely and cost-effective responses that minimize strain on City resources and ensure public safety during such events.

Approval of these agreements supports the continuation of law enforcement operations as outlined in the Department's current budget. While non-approval may yield short-term budget savings, it could lead to increased investigative costs and immeasurable impacts on public safety and justice outcomes if offenders are not effectively identified or prosecuted.

The cost, or lack thereof, for each agreement is outlined in the summary included in the attached MOU Compendium.

CURRENT SITUATION AND ITS EFFECTS

The majority of these agreements have been in place for several years and are updated as needed to ensure continued relevance and operational effectiveness. This allows daily law enforcement operations to proceed smoothly. Challenges that may arise are addressed through mutual cooperation and strong working relationships between agencies. Without these agreements or memoranda of understanding (MOUs), the Department’s efficiency and ability to deliver services effectively would be significantly diminished.

This compendium consolidates those agreements into a single reference document for Council's review. To understand what has changed, start with the Preface, which categorizes and summarizes all modifications made since the previous version. The Table of Contents further highlights the addition or deletion of agreements. Once a change is identified, readers can locate the full updated language in the corresponding section of the document. Agreements that are new, amended, or renewed are clearly labeled to distinguish them from those that remain unchanged.

BACKGROUND

Berkeley Municipal Code (BMC) §§2.04.150 – 2.04.210 requires City Council approval of any agreements, understandings, or policies involving mutual aid, information sharing, or operational cooperation between the Berkeley Police Department and local, state or federal law enforcement agencies, military or intelligence agencies, and private security organizations. These provisions came into effect under Ord. 4640 NS §1, 1973, requiring annual City Council approval. The last City Council approval was July 22, 2025.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The Berkeley Police Department provides law enforcement services to the citizens of Berkeley. It does so under the guidance of federal, state and local laws. The ability to leverage regional partnerships and shared resources is critical to the Department’s mission and to maintaining a just system and effective system of law enforcement. That cannot be accomplished without the cooperation of other law enforcement agencies and private organizations.

Effectively managing large-scale emergencies, critical incidents or disasters require substantial personnel and logistical resources. Such responses are only possible through the mutual aid system established by the State and coordinated at the County level. Additionally, to remain eligible for Federal Emergency Management Agency (FEMA) disaster funding and/or reimbursement, agencies must follow the guidelines set forth by the National Incident Management System (NIMS), as required by federal law.

Many external agencies, including the University of California, Bay Area Rapid Transit, East Bay Regional Parks, and California Highway Patrol, have jurisdictional interests in areas, buildings or structures located within Berkeley. Formal agreements help ensure seamless coordination and, in some cases, are required by state law.

ALTERNATIVE ACTIONS CONSIDERED:

An alternative to approving the current set of inter-agency agreements would be to defer or decline their adoption. However, this is not recommended. Failure to approve these agreements would place the City out of compliance with BMC 2.04.150–2.04.210 and compromise the Berkeley Police Department’s ability to coordinate effectively with external agencies. Without formal agreements in place, the Department would face operational limitations, increased risk during critical incidents, and potential disqualification from certain state and federal funding. In addition, the absence of MOUs could hinder joint investigations, prolong emergency response times, and reduce the Department’s ability to ensure public safety. Given the critical role these agreements play in maintaining compliance, operational readiness, and regional collaboration, there is no viable alternative to their review and approval.

CONTACT PERSON:

Jennifer Louis, Chief of Police, 510-981-5900

Attachments

- 1. Resolution
- 2. MOU Compendium: Agreements with Other Law Enforcement Agencies and Private Organizations
 - Section # / Title
 - Section 1 - Local Agencies
 - Section 2 - State Agencies
 - Section 3 - Federal Agencies
 - Section 4 - Private Security Entities
- 3. Public Hearing Notice
- 4. SAR Report
- 5. Mutual Aid Report



Office of the City Manager

ACTION CALENDAR

July 7, 2026

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Submitted by: Jennifer Louis, Chief of Police
Subject: Ordinance Amendment Relating to the Memorandum of Understanding (MOU) Compendium

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code §2.04.190 to revise the required frequency of City Council approval for agreements, understandings, or policies between the Berkeley Police Department and other law enforcement agencies or private organizations.

FISCAL IMPACTS OF RECOMMENDATION

The proposed amendment would reduce the administrative burden and staff time currently required by the ordinance's annual reporting and public hearing process. By shifting to a triennial (every three years) approval cycle, staff will be better able to provide clear, concise and updated information to the Council, improving both efficiency and transparency.

CURRENT SITUATION AND ITS EFFECTS

Most agreements between the Berkeley Police Department and external agencies have been in place for several years and are periodically updated to ensure continued operational effectiveness. This allows daily law enforcement operations to proceed smoothly. Challenges that may arise are addressed through mutual cooperation and strong working relationships between agencies. Without these agreements or memoranda of understanding (MOUs), the Department's ability to operate efficiently would be significantly impaired.

Currently, BMC §2.04.190 provides:

"No such agreement, understanding or policy shall be valid or effective for more than one year following City Council approval, but each may be renewed or extended following the disclosure, public hearing and documentation procedures provided for in Sections 2.04.170 and 2.04.180 of this article."

(Ord. 4640-NS § 5, 1973)

In compliance with this Ordinance, public hearings have been held on the following dates:

March 12, 1974 (Resolution No. 46,409 N.S.)
March 11, 1975 (Resolution Nos. 47,103 N.S.; 47, 104 N.S.; 47, 105 N.S.)
March 30, 1976 (Resolution No. 47,873 N.S.)
March 22, 1977 (Resolution No. 48,630 N.S.)
July 27, 1982 (Resolution No. 51,445 N.S.)
October 16, 1984 (Resolution No. 52,458 N.S.)
April 29, 1986 (Resolution No. 53,207 N.S.)
September 19, 2006 (Resolution No. 63,432 N.S.)
April 20, 2010 (Resolution No. 64,847 N.S.)
November 8, 2011 (Resolution No. 65,505 N.S.)
September 18, 2012 (Resolution No. 65,901 N.S.)
September 18, 2012 (Resolution No. 65,902 N.S.)
October 15, 2013 (Resolution No. 66,344 N.S.)
October 28, 2014 (Resolution No. 66,836 N.S.)
December 15, 2015 (Resolution No. 67,327 N.S.)
March 14, 2017 (Resolution No. 67,870 N.S.)
June 20, 2017 (Resolution Nos. 68,050 N.S., 68-051 N.S., 68-052 N.S., 68-053 N.S.)
July 23, 2018 (Resolution No. 68,517 N.S.)
July 22, 2025 (Resolution No. 71,902-N.S.)

As evidenced by the list above, there have been inconsistent intervals between hearings, with gaps in reporting by the Department. These gaps reflect the challenges of adhering to annual reporting requirements, particularly during times of resource constraints or competing operational priorities.

BACKGROUND

Berkeley Municipal Code (BMC) §§2.04.150 – 2.04.210 require City Council approval of agreements involving mutual aid, information sharing, or operational cooperation between the Berkeley Police Department and local, state or federal law enforcement agencies, military or private security organizations. Enacted in 1973 under Ordinance No. 4640-NS, these provisions mandate annual Council review.

The most recent Council approval occurred on July 22, 2025. That update was significantly delayed due to factors that included the COVID-19 pandemic, staffing limitations, the transition from legacy General Orders to updated Lexipol policy management, and protracted legal reviews.

While annual review was originally intended to ensure transparency and oversight, the administrative burden of annually reviewing over two dozen complex agreements, many requiring input from multiple agencies, has become impractical. Most agreements do not materially change from year to year and are already subject to periodic review.

To maintain accountability while easing the administrative burden, the Department has established an internal review process and now respectfully requests that the City Council amend BMC 2.04.190 to require review and approval every three years, rather than annually. This change maintains the goals of transparency and oversight while allowing staff to allocate time and resources more effectively.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or sustainability opportunities related to this recommendation.

RATIONALE FOR RECOMMENDATION

The proposed amendment preserves the intent of the original 1973 ordinance by ensuring regular oversight while introducing a more manageable reporting cycle. A triennial review process would promote efficient use of City resources without compromising transparency or accountability.

ALTERNATIVE ACTIONS CONSIDERED

The Council could choose to not amend the ordinance, in which case the existing annual reporting and approval requirements would remain unchanged.

CONTACT PERSON

Jennifer Louis, Chief of Police, 510-981-5900

Attachments:

1: Ordinance

Exhibit A: Ordinance Amendment Relating to the Memorandum of Understanding (MOU) Compendium

ORDINANCE NO. -N.S.

ORDINANCE AMENDMENT RELATING TO THE MEMORANDUM OF UNDERSTANDING (MOU) COMPENDIUM

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

Section 1. That Berkeley Municipal Code 2.04.190 is amended to read as follows:

2.04.190 Period of validity--Renewal.

No such agreement, understanding or policy shall be valid or effective for more than three years following City Council approval, but each may be renewed or extended following the disclosure, public hearing and documentation procedures provided for in Sections [2.04.170](#) and [2.04.180](#) of this Article.

Section 2.

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 fifteen (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.

**CITY OF BERKELEY
POLICE DEPARTMENT**

MEMORANDUM OF UNDERSTANDING (MOU) COMPENDIUM

AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES
AND PRIVATE ORGANIZATIONS

As of July 7, 2026



(Submitted in compliance with Berkeley Municipal Code §2.04)

PREFACE

This Memoranda of Understanding (MOU) Compendium contains current written agreements referenced in Berkeley Municipal Code §2.04.150, et seq. (hereafter, Ordinance). It fulfills the Ordinance’s requirement for public disclosure of formal relationships with other law enforcement agencies and private organizations.

The 2026 MOU Compendium has been updated to align with the Ordinance’s intent and content. It reflects current agreements presented to and approved by Council on July 7, 2026. Informal agreements or understandings are excluded to maintain a clear focus on active, formal agreements.

Where interaction, cooperation, or information sharing with other law enforcement agencies and private organizations is not specified in this compendium, the Department shall do so only as permitted by law, policy, and when necessary to support lawful investigations and public safety.

For reference, the previous [2025 MOU Compendium can be found at this link.](#)

The information below describes changes that were made to the current MOU Compendium and is organized as follows:

- New agreements added since July 22, 2025
- Existing agreements renewed or revised
- Existing agreements removed or discontinued

New Agreements

- **1.2 San Francisco Police Department:** This agreement was with the San Francisco Police Department for BPD Explosive Ordnance Disposal (EOD) Squad to provide services for the duration of the Super Bowl 60 week from January 31 through February 8, 2026. These services included securing public safety and continuity of operations including but not limited to maintaining a robust law enforcement presence, preserving the public peace, preventing and deterring crime and facilitating access control to event locations in the city and county of San Francisco and the San Francisco International Airport.

Existing Agreements

- **1.1 Alameda County Sobering Center;** No changes
- **1.7 Bay Area Rapid Transit Police (BART);** No changes

- 1.9 **East Bay Regional Parks Police (EBRP Police)**; No changes
- 1.12 **University of California Police Department (UCPD)**; No changes
- 1.15 **San Jose Police Department, Silicon Valley Internet Crimes Against Children (ICAC) Task Force**; Format change, updated signature
- 1.21 **Alameda County Emergency Medical Services Agency (EMS Agency)**; No changes
- 2.7 **California Department of Justice CALPHOTO**; No changes
- 2.9 **California Department of Justice CLETS**; No changes
- 2.11 **California Highway Patrol (CHP)**; No changes
- 2.16 **California Sex and Arson Registry (CSAR)**; No changes
- 3.12 **Northern California Regional Intelligence Center (NCRIC)**; No changes
- 3.13 **United States Marshals Service Fugitive Task Force**; No changes
- 4.1 **Child Abuse Listening, Interviewing and Coordination (CALICO)**; No changes
- 4.2 **Critical Reach Public Safety Communications Systems**; No changes
- 4.3 **A Safe Place Domestic Violence Resource Center**; No changes

Existing Agreements: Minor Updates

- 1.4 **Alameda County District Attorney’s Office Victim/Witness Assistance Division**: This agreement highlights some programmatic requirements of both current and forthcoming versions of grant-funded victim assistance programs, administered by the ACDAO. This collaboration encompasses, but is not limited to, Victim Witness Assistance Program, Unserved/Underserved Victim Advocacy and Outreach Program, Human Trafficking Advocacy Program, Family Justice Centers Program.

Agreements Removed or Discontinued

- 1.8 **Berkeley Unified School District (BUSD)**: This agreement was from 2009 and was thus outdated and limited in scope. Formal BPD assistance at events is now managed through the department’s third-party contracting processes and a formal operational agreement to codify any additional scope of services, if necessary, is a longer term project.
- 1.11 **Union Pacific Railroad Police Department**: This agreement was from 2007. Union Pacific has transitioned to using “no trespassing” letters. This request is now processed according to procedures for these letters.
- 4.5 **Bay Area Women Against Rape (BAWAR)**: This agreement expired in September 2025 and BAWAR has since ceased operations.

LEGISLATIVE HISTORY

City Council accomplished public hearings, review and approval of submitted agreements and general understandings as required by BMC 2.04.170 on:

- March 12, 1974 (Resolution No. 46,409 N.S.)
- March 11, 1975 (Resolution Nos. 47,103 N.S.; 47, 104 N.S.; 47, 105 N.S.)
- March 30, 1976 (Resolution No. 47,873 N.S.)
- March 22, 1977 (Resolution No. 48,630 N.S.)
- July 27, 1982 (Resolution No. 51,445 N.S.)
- October 16, 1984 (Resolution No. 52,458 N.S.)
- April 29, 1986 (Resolution No. 53,207 N.S.)
- September 19, 2006 (Resolution No. 63,432 N.S.)
- April 20, 2010 (Resolution No. 64,847 N.S.)
- November 8, 2011 (Resolution No. 65,505 N.S.)
- September 18, 2012 (Resolution No. 65,901 N.S.)
- September 18, 2012 (Resolution No. 65,902 N.S.)
- October 15, 2013 (Resolution No. 66,344 N.S.)
- October 28, 2014 (Resolution No. 66,836 N.S.)
- December 15, 2015 (Resolution No. 67,327 N.S.)
- March 14, 2017 (Resolution No. 67,870 N.S.)
- June 20, 2017 (Resolution Nos. 68,050 N.S, 68-051 N.S., 68-052 N.S., 68-053 N.S)
- July 23, 2018 (Resolution No. 68517 N.S.)
- July 22, 2025 (Resolution No. 71,902 N.S.)

DEPARTMENT HEAD AFFIRMATION AND APPROVAL

I affirm I have reviewed the contents of this Compendium and approve its presentation to City Council for public hearing, review and approval.



Jennifer Louis, Chief of Police

07/07/26

Date

**BERKELEY POLICE DEPARTMENT
MOU COMPENDIUM: AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES
AND PRIVATE ORGANIZATIONS
2026**

CITY COUNCIL REVIEW

| EXISTING ITEMS ARE BLACK | REVISED ITEMS ARE BLUE |
| NEW ITEMS ARE RED | REMOVED ITEMS ARE GREEN |

Ch.	Pg.	Title
<u>CHAPTER 1 - LOCAL AGENCIES</u>		
1	1	Alameda County, Safe House Sobering Center (sponsored private program)
1	2	San Francisco Police Department
1	4	Alameda County District Attorney’s Office, Victim/Witness Assistance Division
1	7	Bay Area Rapid Transit Police Department
1	8	Berkeley Unified School District
1	9	East Bay Regional Parks Police Department
1	11	Union Pacific Railroad Police Department
1	12	University of California Berkeley Police Department
1	15	San Jose Police Department, Silicon Valley, Internet Crimes Against Children Task Force
1	21	Alameda County Emergency Medical Services Agency
<u>CHAPTER 2 - STATE AGENCIES</u>		
2	7	California Department of Justice, Cal-Photo
2	9	California Department of Justice, Law Enforcement Telecommunications System (CLETS)
2	11	California Highway Patrol
2	16	California Sex and Arson Registry
<u>CHAPTER 3 - FEDERAL AGENCIES</u>		
3	12	Northern California Regional Intelligence Center (NCRIC)
3	13	United States Marshals Service Fugitive Task Force
<u>CHAPTER 4 - PRIVATE AGENCIES</u>		
4	1	Child Abuse Listening, Interviewing & Coordination (CALICO)
4	2	Critical Reach Public Safety Communication System
4	3	A Safe Place
4	5	Bay Area Women Against Rape

NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL

Police Department Agreements with Other Law Enforcement Agencies, Police Departments or Private Security Organizations

Notice is hereby given by the City Council of the City of Berkeley that on July 7, 2026 the Police Department is requesting a public hearing, and at the conclusion of the hearing, adoption of a Resolution approving agreements, understandings or policies between the Police Department and other local, state and federal law enforcement agencies, military and/or intelligence agencies, police departments and private security organizations, as required by Berkeley Municipal Code 2.04.150, et. seq. The hearing will be held at 6:00 p.m. in the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City’s website at www.berkeleyca.gov as of June 25, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Sgt. Darrin Rafferty at 510-981-4770.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or emailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record 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 the City Council, 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 City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6908 or clerk@berkeleyca.gov for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.

Published: June 25, 2026 – The Berkeley Voice
Berkeley Municipal Code §2.04.170

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Council Chambers, 2134 Martin Luther King Jr. Way, as well on the City’s website on June 25, 2026.



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## Berkeley Police Department

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### **SUSPICIOUS ACTIVITY REPORTS – 2025**

A Suspicious Activity Report (SAR) is a standardized report used to document behaviors that may indicate criminal or terrorist activity. Berkeley Police submit SARs through the NCRIC, a regional intelligence center where analysts review the information and route it to the appropriate agencies. Reports may also be shared with partner agencies when they are part of a broader trend, series, or serious incident. The goal is to identify early warning signs before a threat escalates, helping law enforcement agencies connect patterns and prevent harm. SAR submissions are governed by Policy 432, which outlines the categories of reportable activity.

02-07-2025 Case: 2025-06082; Category: Suspicious Activity or Trespassing

A Berkeley-based group announced a restaurant disruption event in Berkeley on this date. The event was described as a protest at a restaurant that potentially served chicken that was processed by a national food and agriculture company.

02-16-2025 Case: 2025-07486; Category: Potential Hate Activity

There was a protest on the University Ave. pedestrian bridge. The group on the pedestrian bridge was a pro-Israel group who were holding signs and flags in support of Israel. Two subjects, wearing masks, confronted the group and started to approach members of the group challenging them to fight. The subjects physically assaulted multiple members of the group. BPD Officers arrested the two subjects for assault.

02-23 to  
02-24-2025 Case: 2025-08827; Category: Potential Hate Activity & Vandalism

Various parked and unoccupied Tesla vehicles were vandalized with the word "NAZI" painted on them. Some of the victims were of Jewish decent. There are also reports of this in other Bay Area jurisdictions.



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## Berkeley Police Department

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03-01-2025 Case: 2025-09651; Category: Extremism & Vandalism

A demonstration occurred in front of a west Berkeley automobile dealership, as part of weekly protests. During this demonstration, approximately 300 people were present and the group blocked the roadway and other business storefronts. Officers observed approximately 30 individuals who wore masks and dressed in black. During the demonstration, this group marched with a banner containing markings consistent with the ANTIFA movement, based on markings on the banner. One of the subjects seen marching with the banner later threw paint on the front of the storefront. The suspect was apprehended.

03-01-2025 Case: 2025-09708; Category: Hate Incident & Vandalism

A Muslim-owned business was vandalized by an unknown person who wrote offensive words on a window. This was a repeat victimization of the business.

03-22-2025 Case: 2025-13193; Category: Expressed or Implied Threat

A demonstration occurred in front of a west Berkeley automobile dealership, as part of weekly protests. During this demonstration, a person rode a bicycle with an amplified sound system and was playing loud music. He later stopped on the street where several people were blocking his path. Officers saw the suspect attempt to use a stun gun and wave it around at people. One woman later told officers the suspect was trying to attack her, and she feared for her safety. The suspect was arrested.

06-27-2025 Case: 2025-28715; Category: Expressed or Implied Threat

A person called with threats to conduct a mass shooting at a local hospital. The threats were targeted but deemed not credible. The following day, BPD responded to the hospital for a similar call. The suspect later made a bomb threat against the hospital. The suspect was identified.



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## Berkeley Police Department

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07-03-2025 Case: 2025-29592; Category: Sabotaging/Tampering/Vandalism & Potential Hate Activity

A large group of subjects wore masks and set off smoke bombs, and vandalized a military recruiting facility and a multinational bank. The vandalism consisted of spray painting of offensive words and phrases and symbology typically associated with the antifascist movement. Four people were arrested for their involvement in the incident.

08-28-2025 Case: 2025-38369; Category: Expressed or Implied Threat

A Berkeley school received an email threat of rape and murder of students. This was determined to be a hoax email.

08-30-2025 Case: 2025-38742; Category: Expressed or Implied Threat

A tip was given to BPD about a bomb threat at a residence in south Berkeley. This matter was investigated and determined to be safe at the time.

09-13-2025 Case: 2025-44859; Category: Theft/Loss/Diversion & Sabotage/Tampering/Vandalism

Copper wiring was stolen from a utility pole in northwest Berkeley. The telecommunications technician estimated the loss at approximately \$5000. The suspect was not identified.

10-12-2025 Case: 2025-46633; Category: Theft & Potential Hate Activity

A subject stole an Israeli flag from the front exterior of central Berkeley residence. The two suspects were not identified.



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## Berkeley Police Department

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### **Law Enforcement Mutual Aid (LEMA) Requests Berkeley PD (1/2025 – 12/2025)**

A mutual aid request is a formal request for outside law enforcement resources when an incident such as a natural disaster or civil unrest exceeds a jurisdiction's capacity. Berkeley is located in Region II of the Law Enforcement Mutual Aid (LEMA) system, California's statewide framework for coordinating assistance across jurisdictions. The Alameda County Sheriff's Office serves as the Region II coordinator, managing the activation of mutual aid resources within the region. Requests follow an established chain; first drawing from neighboring agencies, then escalating to the regional and state level as needed. LEMA's effectiveness depends on strong partnerships built on a mutual commitment to public safety.

In 2025 there were no formal LEMA requests made by our Region II coordinator and the Berkeley Police did not request any LEMA resources.

**Item 9.e.**

**Materials for the Discussion on BPD's Budget:**

- 1. Preliminary Analysis of BPD Budget by PAB Vice-Chair Wilson**
- 2. Workload Organizational Study of the Berkeley Police Department Authored by Citygate Police Services**
- 3. May 13, 2024 Memorandum from the PAB to City Council Titled "Findings and Recommendations Regarding the Berkeley Police Department's (BPD) FY 2025-2026 Budget"**

Public

Preliminary analysis of BPD budget by PAB Vice-Chair Leah Wilson  
6-8-2026

**Overview**

- 2026-2027 General Fund deficit estimated at \$29.2 million.
- 2027-2028 General Fund deficit estimated at \$29.5 million.
- BPD is the largest single department in the General Fund, comprising approximately 32% of GF expenditures.
- The budget assumes that voters will approve a Sales and Use Tax (S&U Tax) ballot measure. That measure determines whether 21 sworn officer slots and 6 dispatcher slots that were cut in the balancing process are restored. If the tax passes, BPD ends up with a net reduction of 4 sworn officers and 7 dispatchers from its pre-budget-balancing baseline. If the tax fails, BPD absorbs the full reduction of 25 sworn positions and 13 dispatcher positions.

**BPD Budget Over Time**

BPD’s budget has grown substantially over the past decade. The table below draws on the City’s adopted budget books and FY2027-2028 presentation materials. All figures reflect BPD budget numbers.

| Fiscal Year       | GF Adopted/Proposed | GF Actual | All Funds Adopted | All Funds Actual |
|-------------------|---------------------|-----------|-------------------|------------------|
| FY2018            | —                   | \$62.6M   | —                 | \$66.4M          |
| FY2019            | —                   | \$65.5M   | —                 | \$69.6M          |
| FY2020            | —                   | \$75.8M   | —                 | \$79.8M          |
| FY2021            | \$65.5M             | —         | \$70.3M           | —                |
| FY2022            | \$73.2M             | —         | \$77.8M           | —                |
| FY2023            | ~\$83M              | —         | ~\$88M            | —                |
| FY2024            | ~\$83M              | \$85.9M   | ~\$88M            | \$90.7M          |
| FY2025            | —                   | \$88.4M   | —                 | \$93.8M          |
| FY2026            | \$101.3M            | —         | \$106.2M          | —                |
| FY2027 (proposed) | \$101.1M            | —         | \$106.9M          | —                |
| FY2028 (proposed) | \$102.7M            | —         | \$108.5M          | —                |

- There has been a 38% increase in the GF adopted BPD budget from FY2022 adopted to FY 2026 adopted (\$73M to \$101.3M GF). This increase reflects: multi-year labor agreements negotiated during and after the pandemic, restoration of pandemic-era deferred positions, *and the authorized FTE ceiling growing from 279 to 302 between FY2021 and FY2023.*

**Two Budget Scenarios**

- The budget balancing process started by cutting 25 sworn positions and 13 dispatcher positions from BPD’s baseline.
- The proposed adopted budget then restores 21 of those sworn positions and 6 of those dispatcher positions based on the assumption that the S&U tax passes.

|                                          | <b>With S&amp;U Tax (proposed adopted budget)</b> | <b>Without S&amp;U Tax (fallback scenario)</b> |
|------------------------------------------|---------------------------------------------------|------------------------------------------------|
| <b>BPD GF budget (FY2027)</b>            | \$101.1M                                          | ~\$95.6M                                       |
| <b>Sworn officer change vs. baseline</b> | -25 cut, +21 restored = net -4                    | -25 cut, no restoration = -25                  |
| <b>Dispatcher change vs. baseline</b>    | -13 cut, +6 restored = net -7                     | -13 cut, no restoration = -13                  |
| <b>Net GF change vs. FY2026 adopted</b>  | -\$0.2M (-0.2%)                                   | -\$5.7M (-5.6%)                                |

### Staffing Trends

The table below reflects a mix of budgeted, actual, and proposed BPD staffing levels. This data is drawn from BPD annual reports and the May 2026 budget presentation.

| Category                   | FY2021 | FY2022 | FY2023–26<br>(Adopted) | FY2027–28<br>(Proposed) |
|----------------------------|--------|--------|------------------------|-------------------------|
| Authorized FTE (All Funds) | 279    | 281    | 302                    | 272                     |
| Actual sworn officers      | unk    | ~150   | 151–154                | n/a                     |
| Authorized sworn (approx.) | unk    | ~180   | 181                    | unk                     |
| Actual dispatchers         | unk    | tbd    | tbd                    | tbd                     |
| Authorized dispatchers     | unk    | tbd    | tbd                    | tbd                     |

- How is the 272 FTE derived? The budget assumes passage of S&U Tax which means it should reflect a net reduction of 11 positions from prior year (302). That would result in a proposed staffing level of 291. How do you get to 272?
- Of the 272, or whatever the correct proposed authorized FTE count is, how many are sworn officers? What is the projected filled sworn count at year-end under both scenarios?
- Is EIS funding in the proposed budget and if so at what level?
- What was BPD’s overtime expenditure for FY2024 and FY2025, and what is the projected overtime expenditure level for FY2026? What is budgeted overtime for FY27? FY 28?

### Calls for Service Trends

The volume of calls for service (CFS) dispatched — the primary demand-side measure of police workload — has declined in recent years. The data below is drawn from BPD annual reports.

| Metric                | 2022   | 2023   | 2024   | 2025   |
|-----------------------|--------|--------|--------|--------|
| Total CFS dispatched  | 62,245 | 63,791 | 61,666 | 60,374 |
| Year-over-year change | —      | +2.3%  | -3.2%  | -2.0%  |

|                          |   |            |                   |                    |
|--------------------------|---|------------|-------------------|--------------------|
| 911 calls received       | — | —          | Up 9% vs prior yr | Record high; up 6% |
| Average CFS per shift    | — | 6.3 (peak) | —                 | 6.0                |
| Priority 1 response time | — | 7 min      | —                 | —                  |

- Is the City contracting with the County to provide SCU-related services? If so what is the contract amount and is there any reporting on how that process is working/workload etc?

**Workload vs. Staffing**

- Dispatched CFS has declined about 5% over three years while actual sworn staffing has remained flat at approximately 151–154 officers. Calls per shift fell from a peak of 6.3 in 2023 to 6.0 in 2025.

**Crime Trends**

The data below is drawn from BPD annual reports.

| Crime Category        | 2022–2023 Trend | 2024–2025 Trend                                   |
|-----------------------|-----------------|---------------------------------------------------|
| Robberies             | +32% in 2023    | -43% in 2024; -20% further in 2025                |
| Vehicle / auto theft  | +61.5% in 2023  | -23% in 2024; -48% in 2025                        |
| Shootings             | Elevated        | -26% in 2024; -40% in 2025; zero fatal/injury OIS |
| Commercial burglaries | Elevated        | -30% in 2024                                      |
| Arson                 | +61.5% in 2023  | —                                                 |
| Hate crimes           | —               | Record high 50 incidents in 2025                  |

## Prior PAB Recommendations

### PAB Budget Recommendations, May 2024 (FY2025-26 Budget)

In May 2024, the PAB sent a ten-page letter to City Council with recommendations on BPD's FY2025-2026 budget request of \$91.6 million, a 6.5% increase over the FY2024 amended budget of \$81.7 million. The PAB noted that approximately 93% of BPD's General Fund expenditures are personnel costs, making non-personnel investments especially significant at the margin. The letter made six recommendations:

- Require BPD to develop a strategic plan with measurable metrics linking activities to public safety outcomes.
- Improve budget format transparency so non-technical readers can track year-over-year changes.
- Ground staffing decisions in the forthcoming Citygate study rather than historical patterns.
- Develop and implement an overtime management plan with targets and accountability.
- Fund the Employee Information System (EIS) at \$200,000 to support PAB oversight.
- Augment and clarify the role of the Specialized Care Unit (SCU).

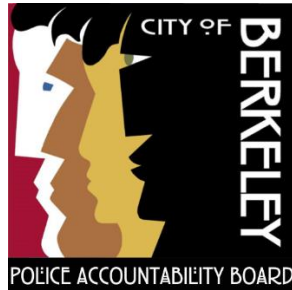
The FY2025-2026 adopted budget funded EIS at \$100,000 — half the recommended level. The SCU was subsequently disbanded without the PAB receiving the performance data it had sought. The strategic plan with measurable metrics has not been confirmed as delivered in available documents.

- What is the status of the development of BPD performance metrics per recent City Auditor report/discussion with council?

### PAB Letter on the Citygate Workload Study, October 2024

Following receipt of the Citygate Associates BPD Workload Study (September 2024), the PAB sent a letter to City Council in October 2024 with four recommendations:

- Formally select comparator agencies using transparent, data-driven criteria.
  - Adopt formal response time standards for Priority 1, 2, and 3 calls.
  - Extend the Citygate analysis to include per-capita budget and expenditure comparisons.
  - Hold on authorizing new positions until a data-driven staffing analysis was complete.
- Have comparator agencies been identified?
  - Have response time standards been adopted?



## MEMORANDUM

To: Honorable Mayor Arreguín and Members of the City Council  
From: Police Accountability Board  
Date: May 13, 2024  
Subject: Findings and Recommendations Regarding the Berkeley Police Department's (BPD) FY 2025-2026 Budget

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Berkeley City Charter, [Article XVIII, Section 125 \(21\)](#) empowers the Police Accountability Board (PAB) to “review and make recommendations to Council regarding the Police Department budget.” On May 8, 2024, the PAB voted to approve the recommendations presented in this memorandum with 6 Aye and 1 Nay votes.<sup>1</sup>

### Background

At the time of the recommendations were adopted, the PAB's Budget & Metrics Subcommittee (subcommittee) had the opportunity to review the Berkeley Police Department's (BPD) preliminary budget submission, though not the final budget proposal<sup>2</sup>.

In order to provide our review to the City Council (Council) in a timely manner, this analysis focuses on that preliminary budget submission. First, we offer some overall recommendations regarding the budget development process moving forward, to enhance review by Council and the PAB in future budget cycles. In addition, we also make recommendations regarding specific BPD budget priorities for FY 2025.

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<sup>1</sup> 2024-05-08 PAB Regular Meeting: <https://www.youtube.com/watch?v=5YQN8hjSx9E>

<sup>2</sup> The [BPD's recent budget submission addresses both FY 2025 and 2026 requests](#); the subcommittee focused its efforts on FY 2025 items.

We thank Chief Jennifer Louis, Deputy Chief Jen Tate, Assistant City Manager Anne Cardwell, and Budget Director Sharon Friedrichsen for their cooperation, assistance, and support of this effort. They were generous with their time and responsive to each of our questions in the midst of what we know is a time-intensive budget process.

### **BPD Budget Overview**

In the FY2024 amended budget, the Berkeley Police Department (BPD) was allocated \$81.7M, representing 28 percent of the city's \$307.5M overall General Fund budget<sup>3</sup>. Of this allocation, approximately \$45M (52 percent) supports patrol functions.

The BPD's requested FY2025 baseline budget is \$91.6M (6.5 percent increase from the amended FY2024 budget). Of the \$91.6M requested for 2025:

- \$83.8M (91 percent) goes to salary and benefits
- \$6.5M (7 percent) goes to overtime expenses
- \$380,000 (0.4 percent) is allocated to promotion & retention

BPD requested \$1.1M in new spending for 2025. This amount includes \$250,000 in capital expenditures related to the jail; the present analysis does not address the capital component of BPD's FY 2025 request.

### **PAB's Findings and Recommendations**

**(1) The BPD needs to develop a strategic plan, operational metrics, and service-level goals.** We recommend that the BPD establish service-level metrics and related performance goals for each of its main operational areas including dispatch (dispatcher response time), patrol (officer response time & time spent on each call), investigation (crime clearance rates), and others. The council should establish a process for the development of these metrics and performance goals that includes input from the community, elected officials, and the BPD. These metrics should in turn drive staffing, resource allocation, and overall budget.

**(2) The BPD should present its baseline budget in a format that more clearly shows how it supports key priorities.** The City of Berkeley's budget

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<sup>3</sup> These amounts do not include Council-approved allocations in the FY 2024 AAO #1 which for BPD totaled \$4.3M.

development process appears to focus primarily on budget *augmentation* requests. The subcommittee has been unable to identify any document or process that enables a more detailed review of the *entirety* of the BPD budget by established goals or priorities, so it is difficult to ascertain how resources are being shifted from year-to-year to respond to crime data or community needs.

- (3) The Citygate staffing analysis – as well as better clarity around key service-level metrics and goals – should drive sworn officer headcount going forward.**
- (4) The [BPD's 2025-2026 budget request](#) appears to be sound, though only a few of the augmentation line items relate to the department's identified goals as articulated in its 2023 Annual Report.**
- (5) Council should ensure that any overtime spending is fully allocated to BPD priorities first, before staffing outside security projects under Memorandums of Understanding (MOUs) that the BPD has entered into.** The CMO and City Auditor should also verify that all third-party overtime expenses are properly accounted for with corresponding revenue paid back into the General Fund.
- (6) The BPD's FY 2025 budget request should be clarified and, where necessary, augmented.** The PAB recommends the addition of:
  - \$200,000 in the BPD FY2025 budget request for Early Intervention System (EIS) development, implementation, and rollout; and
  - Additional funding – out of the Health, Housing, and Community Services (HHCS) budget – for the Specialized Care Unit (SCU).

**(1) The BPD needs to develop a strategic plan, operational metrics, and service-level goals.**

The City of Berkeley operates under [a six-year old strategic plan](#) approved by City Council in January 2018. The BPD does not have its own strategic plan. When asked to identify strategic goals and priorities, the BPD pointed the subcommittee to the 2023 Annual Report. The report lays out key statistics from previous years as well as departmental goals for the upcoming budget year, but neither provides a comprehensive or multi-year

view of the strategic priorities of the organization nor clearly tracks how the budget is allocated against those priorities.

We believe that it is important for any organization to have clearly identified goals and performance targets that it is working towards. In this case, the BPD comprises 28 percent of the city's General Fund budget, making it even more important from both policy and fiscal standpoints that resource allocation be tied to objective goals. The subcommittee suggests that targets be established for services including:

- Dispatch
  - call response times
  - calls per dispatcher per shift
- Patrol
  - call response times
  - time per call
  - calls per shift
- Investigations
  - crime incidence rates
  - crime clearance rates
- Other key service level measures

These metrics should in turn drive decisions about staffing including dispatch, patrol, and investigations personnel. Performance against identified metrics can be regularly reported and should inform the annual budget process. A particularly important area of focus should be the patrol function, which comprises nearly 52 percent of the overall BPD budget.<sup>4</sup>

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<sup>4</sup> The BPOA Memorandum of Understanding prescribes a 60 officer minimum staffing level for the patrol function. While this is accordingly a current staffing requirement, it is not clear how this number relates to performance expectations, or if the department is or should be attempting to increase or decrease staffing for the patrol function.

The subcommittee understands that the Citygate analysis currently underway will identify needed staffing levels. From the scope of work reviewed, it is unclear if the final report will include service- or performance-level rationales for the staffing levels recommended, or what those rationales, if provided, will be based on.

The subcommittee believes that metrics and performance goal-setting should be informed by both Council and community expectations. If the Citygate effort does not include this type of stakeholder input gathering, Council should initiate, in a timely and efficient manner, a process that will amplify community voices and elected officials' expectations in a goal setting process.

**(2) The BPD should present its baseline budget in a format that more clearly shows how it supports key priorities.**

Currently, the BPD's annual budget process focuses heavily on new requests rather than the entirety of the baseline budget. BPD's new funding request is for \$0.9M in FY2025 (excluding capital expenditures). That means that 99+ percent of BPD's baseline budget for FY2025 is not reviewed in detail through the budget process.

The subcommittee believes that Council and the public would be better served by some depiction of the BPD's baseline budget by key initiative or priority, so that policymakers and residents can understand how staff and overall resources are being deployed to support things like Fair and Impartial Policing, Reimagining Public Safety, and various crime reduction initiatives currently underway.

With this more detailed full budget available, hand-in-hand with the goals and metrics from (1), it would then be possible to make more specific budget allocation recommendations. For example, if there are upticks in the incidence of property crime or a reduction in clearance rate for sexual assaults, should BPD allocate more staff/resources to Investigations? Or, to achieve Berkeley's ambitious Vision Zero goal to eliminate all severe and fatal traffic crashes by 2028, should the BPD allocate more staff/resources to traffic enforcement (consistent with FIP recommendations to focus on traffic safety like dangerous moving violations in high-injury corridors), until BerkDOT is up and running?

Those questions can't adequately be answered until more detail on the full BPD budget – and performance against key service-level goals – is available.

**(3) The Citygate staffing analysis – as well as better clarity around key service-level metrics & goals – should drive sworn officer headcount going forward.**

In 2022, the City Auditor recommended that BPD conduct a staffing analysis, in conjunction with that office's review of BPD's overtime policies. In June 2023, Council awarded a contract to Citygate to conduct the staffing analysis. Citygate is expected to conclude this work in June. The BPD indicates that preliminary results were used to inform its FY2025 budget request, though the subcommittee has not reviewed those initial findings.

The subcommittee has reviewed the Citygate scope of work and understands that the final report will include recommendations for BPD staffing levels. It is unclear what factors will drive those recommendations. As noted above, there do not appear to be established metrics or performance goals for various aspects of BPD operations for the consulting team to draw upon. Nor does the scope of work suggest that, in the absence of Berkeley-specific data, practices of other comparable police departments will be assessed. With these caveats in mind, the Citygate report will obviously be an important basis for future BPD staffing considerations. The report should be considered along with the results of the metrics and goal-setting process recommended elsewhere in this report. With only ~150 sworn officers currently on the force, recruitment and retention undoubtedly continues to be a high priority – but knowing the total staffing level necessary to meet service-level expectations is vital.

**(4) The BPD's FY 2025 budget request appears to be sound, though only a few of the line items relate to the department's identified goals as articulated in its 2023 Annual Report.**

The subcommittee understands the BPD's 2025-2026 budget augmentation request to be comprised of the following:

- FIP Training
- SR. Management Analyst for the Admin & Fiscal Services Division

- Associate Management Analyst for the Admin & Fiscal Services Division
- Program Manager for crime reduction and problem-solving efforts
- Principal Program Manager Reclass to support the Office of Strategic Planning and Accountability
- Community Services Officer (CSO) conversion: limited-term to permanent staff

Together these requests total \$871,000 per year in new funding.

When asked about departmental priorities, BPD noted that the 2023 Annual Report outlines its key goals, including:

1. Sworn Staffing Study. To be completed by June 30, 2024.
2. Analytical efforts to support strategic planning and accountability.
3. Leverage Gun Violence Restraining Orders (GVRO/s) to proactively take guns from individuals who pose an immediate and present danger.
4. Work with Flock to determine placement of Automatic License Plate Readers (ALPR/s).
5. Continue regional partnerships to share data and combat crime.
6. Continue to use Office of Traffic Safety (OTS) grant funding to support traffic safety measures.
7. Increase number of Drive Safer, Drive Longer classes for aging drivers, increase the number of DUI checkpoints, and continue to use the Traffic Safety Transparency Hub.
8. Deepen Vision Zero collaboration to identify high-risk locations, and analyze the causes and contributing factors of collisions.
9. Hire additional CSOs.
10. Make policing strategies smarter and more data-driven.

The table below attempts to align the current BPD budget request with department-identified priorities:

| 2023 Annual Report Priority                                                                                             | FY 2025-2026 Funding Request                                               |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Sworn Staffing Study                                                                                                    |                                                                            |
| Analytical Efforts to Support Start Planning and Accountability                                                         | Principal Program Manager (reclass)                                        |
| Leverage GVRO's                                                                                                         | Program Manager?                                                           |
| Determine placement of ALPRs                                                                                            | Program Manager?                                                           |
| Continue regional partnerships                                                                                          | Program Manager?                                                           |
| Continue to use OTS grant funding                                                                                       |                                                                            |
| Increase number of classes for aging drivers; increase DUI checkpoints; continue to use Traffic Safety Transparency Hub |                                                                            |
| Deepen Vision Zero collaboration                                                                                        |                                                                            |
| Hire additional Community Service Officers                                                                              | Convert temporary CSOs to permanent status                                 |
|                                                                                                                         | FIP Training                                                               |
|                                                                                                                         | Sr. Management Analyst (Admin & Fiscal Services succession planning)       |
|                                                                                                                         | Associate Management Analyst (Admin & Fiscal Services succession planning) |

As noted above, the City of Berkeley operates under a strategic plan that is now six years old. In recent reporting to Council, the BPD outlined some of its budget priorities against performance measures that appear to derive from the strategic plan. Attempting to extrapolate those elements to the present budget request results in some additional alignment between the request and strategic objectives:

Relevant Performance Measures:

- Safer streets through reduction in deaths/accidents relating to vehicles/bicycles
- Retaining and recruiting personnel to ensure a talented and diverse workforce

- Officer development training programs (focus on Fair and Impartial Policing tenets)

Ultimately, we believe that this type of alignment exercise should primarily be conducted by BPD and the City Manager, not by volunteers. As reflected in the recommendations outlined herein, the BPD and Council should be asked to identify performance metrics and goals, and to develop a strategic plan. Future budget requests and reporting can be presented by the department as aligned with those metrics and strategic priorities.

**(5) Council should ensure that any overtime spending is fully allocated to BPD priorities first, before staffing outside security projects under other MOUs that the BPD has entered into.**

Historically, the BPD has entered into MOUs with a variety of different public and private entities to provide security work. The [City Auditor published a 2022 report](#) highlighting some improvements needed to better manage overtime staffing for those outside security projects.

BPD has already worked to shore up the management of these projects, agreeing to all 12 of the City Auditor's recommendations. But there is still limited visibility into ensuring that the costs of those projects are recouped, since BPD allocates overtime spending out of its own budget – but payment from those outside groups back to the City is directed to the General Fund.

In light of BPD's staffing shortage (having filled only ~150 of the 181 authorized sworn officer slots) and the department's sizeable overtime expenditures (\$6.5M in FY 2025 budget), we recommend that BPD allocate all of its overtime spending on BPD priorities first – to ensure it meets its service-level goals – before staffing outside security projects.

**(6) The BPD's FY2025 budget should be clarified and, where necessary, augmented.**

- The FY 2025 BPD budget request should be modified to include funding for Early Intervention System (EIS) development, implementation, and rollout. Currently, funding has only been allocated for the Request for Proposals (RFP) to design the EIS system. The PAB recommends that \$200,000 be added to the BPD budget for this purpose.

- The FY 2025 HHCS budget should be amended to include additional funding for the Specialized Care Unit. Currently, the SCU operates daily from 6am-4pm and responds to 2-5 calls per day, responding to crisis calls around substance abuse and mental health. The SCU continues to hire to fill 6 vacant positions in order to staff up. Providing more SCU staff can help ease the burden on BPD sworn officers and allow those limited BPD resources to be directed toward other law enforcement priorities.

**Item 9.f.**

**June 12, 2026 ODPa Memorandum to the PAB Titled  
"Recommendations Regarding Berkeley Police Department's  
(BPD) 2025 Annual Police Equipment Report"**



## MEMORANDUM

**Date:** June 12, 2026  
**To:** Honorable Members of the Police Accountability Board (PAB)  
**From:** Katherine Lee, Interim Director of Police Accountability  
**Subject:** Recommendations Regarding Berkeley Police Department's (BPD) 2025 Annual Police Equipment Report

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This memorandum provides recommendations regarding the BPD's 2025 Annual Police Equipment Report (Report).<sup>1</sup> 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. It is issued to comply with the Police Equipment and Community Safety Ordinance (Berkeley Municipal Code Chapter 2.100)<sup>2</sup> and California Assembly Bill 481, codified in Government Code sections 7070 - 7075.<sup>3</sup>

### Procedural Background

The initial version of the BPD's 2025 Annual Police Equipment Report was presented to the PAB at its June 3, 2026 meeting, along with a detailed memorandum from ODPa staff describing the underlying legislation and the PAB's role, summarizing the Report, and identifying areas for Board discussion.<sup>4</sup> In its review, ODPa staff identified one instance of an omission of a reported use, and PAB members noted several areas in which the Report was lacking.

ODPa staff conveyed the PAB and ODPa's June 3 feedback to the BPD shortly after the meeting, and the BPD thereafter prepared a revised Report addressing those comments. That revised Report is before you this evening.

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<sup>1</sup> Attachment 1

<sup>2</sup> Attachment 2

<sup>3</sup> Government Code Section 7070-7075.

[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?division=7.&chapter=12.8.&lawCode=GOV&title=1.](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=7.&chapter=12.8.&lawCode=GOV&title=1)

<sup>4</sup> Attachment 3

## **PAB Comments and BPD's Revisions**

### 1. Equipment inventory and Descriptions (pp. 4-7)

#### *PAB Comments*

The PAB noted that the initial list of BPD's inventory of military equipment and the descriptions that followed were inconsistent in that the items did not all match, or the descriptions were incomplete or missing entirely. Specifically:

- Model numbers for OC Spray, the Light/Sound Distraction Device, and the Long Range Acoustical Device were not included;
- OC Spray and 36" Batons appeared on the initial list but no product description of these items was furnished.

#### *BPD Revisions*

- Model numbers and/or descriptions of the CTS Light/Sound Distraction Device, Long Range Acoustic Devices, and Barrett Model 99 Precision Rifle were added or enhanced;
- Descriptions of OC Spray and the 36" Baton were added.

### 2. 2025 Equipment Deployment and Uses; Deployment Statistics (pp. 13 & 18)

#### *PAB Comments*

ODPA staff identified that the deployment of a 40MM Launcher in Incident #33 was not included.

#### *BPD Revision*

The revised Report now reflects the 40MM Launcher deployment in Incident #33; consistent with that the statistics were updated to increase by one the number of times the 40 MM Launcher was deployed.

### 3. Deployment Statistics (p. 18)

#### *PAB Comments*

The PAB commented that for the map showing the locations of equipment deployments in each beat, it might include numbers of deployments in each beat.

#### *BPD Revision*

The map remains unchanged, showing locations only.

### **Other Revisions Noted**

In the Fiscal Impacts section of its revised Report (p. 20), the BPD added information about training frequencies for some types of equipment in the opening narrative of this section.

### **Additional Feedback**

ODPA staff has discovered a possible error in the fiscal impacts of the ReconRobotics Recon Scout XT that appeared on the initial report and remains unchanged in the revised Report, but was not noticed before now. On page 23 of the revised Report, the second paragraph regarding this piece of equipment first states “. . . there is no cost associated with training officers in its use” but ends with “The cost of training is staff time.” This Inconsistency should be corrected.

### **Concerns from Members of the Public**

Community members wrote to the PAB and/or publicly commented during the PAB’s June 3, 2026 meeting with the following concerns.

#### Barrett Model 99 Precision Rifle

One commenter stated that this is very high-powered rifle that is unnecessary for the BPD to possess. According to the BPD, it has one such rifle. ODPA staff notes that the description of this item in the BPD’s revised Report (p. 6) is slightly enhanced from its initial Report.

#### Compliance with community engagement requirement.

State law (Gov. Code section 7072(b)) requires the BPD to hold at least “one well-publicized and conveniently located community engagement meeting at which the general public may discuss and ask questions regarding the annual military equipment report . . .” within 30 days of submitting and publicly releasing an annual military equipment report. Community members maintain that PAB and Council meetings do not suffice because those meetings do not provide an opportunity for the general public to ask questions of the BPD.

Police Chief Louis has represented to the DPA that the City Council meeting at which she plans to present the BPD’s Annual Police Equipment Report (July 7, 2026) fulfills that requirement. The BPD sent its initial Report to the ODPA on May 29, 2026. The DPA has flagged this issue for the City Attorney’s Office.

### **Board Action**

Staff recommends that the PAB approve the BPD’s revised Annual Police Equipment Report attached as Exhibit A, after deciding if it wishes to continue to push for additional figures on the beat map showing deployment locations on p. 18 of the Report, and with

an additional recommendation to clarify the fiscal impacts of the ReconRobotics Recon Scout XT as noted by staff; and to transmit its recommendations to the City Council.

Attachments:

1. Berkeley Police Department's 2025 Annual Police Equipment Report (revised)
2. Berkeley Municipal Code Chapter 2.100 POLICE EQUIPMENT ORDINANCE
3. ODPAs June 1, 2026 Memorandum to the PAB, "Preliminary Review of the Berkeley Police Department's (BPD) 2025 Annual Police Equipment Report and Board Considerations"

# **Attachment 1**

# 2025 Annual Police Equipment Report

Contents

Ordinance Background and Objectives..... 3  
Equipment Inventory and Descriptions ..... 4  
2025 Equipment Deployment and Uses ..... 8  
Fiscal Impact..... 20

## Ordinance Background and Objectives

On September 30, 2021, Assembly Bill 481 was approved by California Governor Gavin Newsom, requiring law enforcement agencies to obtain approval of the applicable governing body (Mayor and City Council), by adoption of a military equipment use policy prior to funding, acquisition, or use of military equipment as defined in AB 481. This bill required the same approval process for the continued use of military equipment that law enforcement agencies already possessed. In accordance with the assembly bill, the Berkeley Police Department authored Policy 709, Military Equipment Policy, which was approved by the City Council on July 26, 2022.

Furthermore, Assembly Bill 481 requires law enforcement agencies to submit to the governing body an annual report for each type of military equipment. State law requires that the Annual Report contain the following information:

- A summary of how the military equipment was used and the purpose of its use.
- A summary of any complaints or concerns received concerning the military equipment.
- The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- The quantity possessed for each type of military equipment.
- If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

In addition, Berkeley Municipal Code Chapter 2.100 requires the report to include:

- A summary of how covered equipment was deployed, using the ordinance's broader definition of deployment (any instance in which equipment was pointed or aimed at an individual, or otherwise deployed, during an interaction in which the individual could reasonably believe it to be an attempt to gain compliance; transport or wearing of equipment is excluded).
- A geographic breakdown of where controlled equipment was used by individual police area, including the number of instances per area and the percentage authorized by warrant versus non-warrant forms of court authorization.
- Reporting of all specialized firearms and ammunition of less than .50 caliber, batons 30 inches or longer, and pepper spray.

The Police Accountability Board reviews this report and may make recommendations to the City Council pursuant to BMC 2.100.060.

## Equipment Inventory and Descriptions

Below is a list and Berkeley Police Department inventory and equipment levels of the reportable equipment as defined in BMC 2.100 & AB 481 as of May 2026.

- Patrol Rifle (96)
  - Associated .223 duty and training rounds (106,040)
- Less Lethal single 40MM Launcher (20)
- Less Lethal Milkor LTL 40 MM multi-Launcher (2)
  - Associated 40mm rounds (383)
- Less Lethal FN 303 Launcher (8)
  - Associated FN rounds (5,535)
  - Associated FN Pava rounds (145)
- First Defense Oleoresin capsicum (handheld OC spray) (175)
- CTS Chlorobenzylidene Malononitrile and Oleoresin capsicum/ tear gas (232)
- Remington 700 Precision Rifle (6)
  - Associated .308 rounds (3,040)
- Light/sound distraction device CTS Model 7290M (83)
- Long Range Acoustic Device: LRAD Model 450XL (1), LRAD Model 100X (1)
- Barret Model 99 Precision Rifle (1)
  - Associated .50 rounds (514)
- Mobile Command Vehicle (1)
- ReconRobotics Recon Scout XT Robots (2)
- Andros Remotec HD-1 Hazardous Duty Robot (1)
- 36" batons (195)

The following are product descriptions of the military equipment the Berkeley Police Department possesses:

### Patrol Rifle

The "M4" was developed and produced for the United States government by Colt Firearms and is based on the original Armalite Rifle (AR) patent purchased by Colt in 1959. Although Colt owns the trademarked name "M4," several other manufacturers offer similar firearms under various model names. The M4 and its variants fire 5.56×45 mm NATO (and .223 Remington) ammunition and are gas -operated, magazine -fed firearms with barrel lengths ranging from 11.5" to 16".

The current BPD rifle ammunition is the .223 Remington—a rimless, bottlenecked cartridge developed in 1957 by Remington Arms and Fairchild Industries. One of the most popular cartridges, the .223 Remington is used by a wide range of semi-automatic and manual -action rifles, as well as handguns. While the military uses the similar 5.56×45 mm NATO cartridge, BPD employs the more common civilian .223 Remington for all training and duty purposes.

**Penn Arms 40MM Single Launcher & Milkor LTL Multi-Launcher**

The 40 mm impact projectile was developed as an alternative to the 12-gauge bean bag round and other less focused less-lethal options. Early 12-gauge bean bag round designs had unpredictable flight patterns and could cause significant unintended injuries. The 40 mm foam baton round was created as a direct-fire projectile intended to minimize such risks. The Berkeley Police Department currently uses the CTS 4557 foam baton projectile and the Penn Arms L-140 single-shot Launcher.

**FN 303**

Developed in 2003 by Fabrique Nationale de Herstal as a less-lethal option, the FN 303 is based on a concept from Monterey Bay Corporation. The development team included designers and researchers from two paintball-related companies. The FN 303 uses compressed air to propel a .68-caliber projectile, similar to those used in manufactured paintball guns.

**Chlorobenzylidene Malononitrile (CS) and OC**

Chlorobenzylidene malononitrile, commonly known as CS, is one of the most widely used tear gases. It can be delivered as a liquid, gas, or solid and is designed to produce temporary discomfort by being vaporized or otherwise dispersed in the air. Law enforcement agencies rely on CS to manage combative suspects, control crowds, and handle barricaded subjects without resorting to higher levels of force. CS can be deployed via aerosol (the most common method), fogging, pyrotechnics, or blast expulsion; however, all methods are influenced by environmental factors such as wind, rain, temperature, and proximity. Under standard conditions, CS forms a white crystalline substance with low vapor pressure and poor water solubility.

First Defense manufactures OC sprays in various sizes. Oleoresin capsicum (OC) is a less-lethal chemical agent derived from naturally occurring capsaicinoids found in pepper plants. It is the most widely used chemical agent among law enforcement and the general public. It has a pungent, irritating pepper odor and is classified as an inflammatory agent. In addition to its effectiveness on humans, OC-based agents are typically effective on animals. In liquid form, OC can appear clear, amber, or dark red, depending on the manufacturer, as it is mixed with various carrier solutions.

**Remington 700 Precision Rifle**

The Remington 700 is a series of bolt-action rifles designed in 1962 by Remington Arms Company. The "700" designation refers to multiple models with varying parts, barrel lengths, stocks, and other components. The Precision Rifle model has long been used by law enforcement and remains an industry standard. The Berkeley Police Department employs a

custom Remington 700 action chambered in the common .308-caliber round, featuring a 20-inch barrel, an Accuracy International chassis/stock, a Nightforce 3-15× magnified optic, and a bipod.

#### **CTS Light/Sound Distraction Device**

Also known as diversionary, noise/flash, or light/sound devices, Light/Sound Distraction Devices have been available for about 40 years. They serve as safe and effective tools for law enforcement during challenging tactical incidents. When activated, these devices produce loud noise, heat, and intense light to create an effective diversion.

#### **LRAD Long Range Acoustic Device (LRAD)**

The LRAD is both the brand name and equipment name for a high -intensity, directional acoustical array that provides long -range, crystal -clear communication, designed to project clear voice messages, warnings, instructions, and emergency notifications over long distances and in high-noise environments. Essentially, it functions as a powerful loudspeaker.

#### **Barrett Model 99 Precision Rifle**

The Barrett Model 99 is a single shot, bolt action .50 caliber rifle introduced in 1999. It is intended for limited emergency situations where there is a high potential for violence and extreme range and accuracy, or material penetration is needed.

#### **ReconRobotics Recon Scout XT Robots (Throw Bot)**

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

#### **Andros Remotec HD-1 Hazardous Duty Robot**

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

#### **Mobile Command Vehicle (MCV)**

This vehicle is used as a mobile command post for any large-scale events or as a communications center in the event the communications center in the Public Safety Building is

inoperable. Some examples of large-scale events include Solano Stroll, Cal Berkeley football games, critical incidents or natural disasters. In 2025, the MCV was utilized as a command post during the Cal Berkeley football games that took place in Berkeley.

### **36" Baton**

The Berkeley Police Department issues a fixed-length, straight baton with a knurled polycarbonate grip for crowd control. The baton measures 36 inches in length, 1.25 inches in diameter, and weighs approximately 1.64 pounds. Polycarbonate is a durable thermoplastic that resists splintering and heat. The 36 inch baton is designed to provide officers with increased distance and leverage when performing crowd control duties.

## 2025 Equipment Deployment and Uses

The equipment documented in this report provide the Berkeley Police Department with options that assist in critical incidents and bring dangerous situations to a safe resolution. While the Berkeley Police Department possesses the equipment listed above, officers de-escalated almost all the situations that might have otherwise warranted the use of it. The use of military equipment is governed by Berkeley Police Department Policies and local, state, and federal laws. The use of the military equipment is restricted to only officers who have been trained in the use of the specific equipment.

The Berkeley Police Department responded to 60,374 calls for service responded to in 2025. Only 13 of the 60,374 incidents resulted in the use of less lethal tools (plus 6 uses of the Mobile Command Vehicle for Cal football games). The table below lists all BMC2.100/AB481-eligible equipment use incidents. Each row represents an incident in which a specific piece of equipment was used. These statistics illustrate the extremely rare instances that less lethal munitions and other police equipment are used in relation to overall contacts.

It should be noted BPD does not possess any drones, and reporting on the use of a drone in a mutual assistance capacity in Berkeley is the responsibility of the agency that provided the assistance. The Berkeley Police Department reports on the mutual assistance drone usage, understanding that it may lead to double reporting, but does so in the spirit of transparency. Drone uses are also reported in the annual Surveillance Technology Report.

Each incident is listed in chronological order. Equipment that was actively used is highlighted in yellow.

| # | Equipment Used | Summary of Deployment                                                                                                                                                                                                                                                | Beat |
|---|----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1 | 40MM Launcher  | Officers responded to a report of a person attempting to strike passing vehicles with a metal pole. On arrival they located the subject armed with a metal stick. A 40MM Launcher was deployed until the subject was disarmed and detained without further incident. | 2    |
| 2 | 40MM Launcher  | Officers responded to a theft call in which the subject fled on foot and concealed himself beneath a food truck. A 40MM Launcher was deployed but not fired, and the subject ultimately was detained without incident.                                               | 14   |
| 3 | Patrol Rifle   | Officers located a reported stolen vehicle and detained its occupant. A patrol rifle was deployed but not used, and the subject complied and was detained without incident; the vehicle was                                                                          | 12   |

|    |                                                     |                                                                                                                                                                                                                                                                                                                                                                     |    |
|----|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
|    |                                                     | confirmed stolen and recovered property was booked into evidence.                                                                                                                                                                                                                                                                                                   |    |
| 4  | 40MM Launcher                                       | Officers responded to a family disturbance involving a subject possibly armed with a knife. A 40MM Launcher was deployed but not used, and the subject complied and was detained without incident.                                                                                                                                                                  | 5  |
| 5  | 40MM Launcher                                       | Officers responded to a report of a subject who had stabbed himself and then struggled over the knife with a family member. A 40MM Launcher was deployed but not pointed or used, and the subject was detained without further incident and transported for medical care.                                                                                           | 5  |
| 6  | Patrol Rifle                                        | Officers responded to several calls regarding a subject carrying a rifle. Patrol rifles were deployed, and following de-escalation the subject dropped the weapon and was detained without incident.                                                                                                                                                                | 14 |
| 7  | Patrol Rifle, 40MM Launcher, Mobile Command Vehicle | Officers responded to a report of a subject who fired a gun into an adjacent unit during a dispute at a residential building. Patrol rifles, a 40MM Launcher, and the Mobile Command Vehicle (MCV) were deployed to manage an armed and barricaded subject; the only equipment used was the MCV, and the subject complied and was detained without incident.        | 5  |
| 8  | Patrol Rifle, FN 303 Launcher                       | Officers responded to a domestic-violence call in which both parties had visible injuries and the involved subject, who had registered firearms, refused to open the door while a small child was present. Based on exigency, officers made entry; a patrol rifle and an FN 303 Launcher were deployed but not used, and the subject was detained without incident. | 5  |
| 9  | 40MM Launcher                                       | Officers responded to a report of a subject who brandished a hammer at a victim. The subject was highly agitated on contact; a 40MM Launcher was deployed but not used, and the subject was detained without incident after the hammer was recovered.                                                                                                               | 5  |
| 10 | OC spray                                            | Officers responded to a report of a subject who had brandished a knife at passersby in a park. On contact the subject took a fighting stance and refused commands; OC spray was used to overcome active                                                                                                                                                             | 5  |

|    |                                                                                       |                                                                                                                                                                                                                                                                                                           |                     |
|----|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
|    |                                                                                       | resistance, and the subject was taken into custody. First aid was offered for the exposure.                                                                                                                                                                                                               |                     |
| 11 | Patrol Rifle                                                                          | Officers responded to a report of a subject who had brandished a sawed-off shotgun. A patrol rifle was deployed but not used; the subject complied and was detained without incident, and a firearm was recovered.                                                                                        | 11                  |
| 12 | Patrol Rifle                                                                          | Officers conducted a vehicle pursuit of a felony brandishing suspect that ended in a collision. A patrol rifle was deployed but not used, and the subject was taken into custody without further incident.                                                                                                | 5                   |
| 13 | Patrol Rifle                                                                          | Officers responded to a report of a subject who had brandished a firearm during a road-rage incident and were directed to the subject's vehicle. A patrol rifle was deployed but not used; the subject complied and was detained without incident, and a loaded firearm was recovered.                    | 9                   |
| 14 | Drone, LRAD, Recon Scout XT (throw-bot), FN 303 Launcher, Patrol Rifle, 40MM Launcher | The Special Response Team served a high-risk homicide warrant in San Leandro. An LRAD, a drone, and a Recon Scout throw-bot were used; all other listed equipment was deployed but not used. Two subjects were taken into custody with firearms recovered, and there were no injuries or property damage. | Outside of Berkeley |
| 15 | 40MM Launcher                                                                         | Officers responded to a report of a subject damaging vehicles who was experiencing a mental-health crisis and was non-compliant. A 40MM Launcher was deployed but not used, and the subject was detained without incident and placed on a mental-health hold.                                             | 14                  |
| 16 | Patrol Rifle, 40MM Launcher                                                           | Officers responded to a possible barricaded subject with a felony warrant who refused repeated announcements to exit. Two 40MM Launchers and two patrol rifles were deployed but not used, and the subject was located and detained without incident.                                                     | 5                   |
| 17 | Light/Sound Distraction Device, LRAD, Drone, Recon Scout XT                           | The Special Response Team served a warrant for armed-robbery suspects in Oakland. 3 light/sound diversionary devices, an LRAD, a drone, and a Recon Scout throw-bot were used; all other listed                                                                                                           | Outside of Berkeley |

|    |                                                                            |                                                                                                                                                                                                                                                                                                                 |    |
|----|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
|    | (throw-bot), Patrol Rifle, 40MM Launcher, FN 303 Launcher, Precision Rifle | equipment was deployed but not used. Two subjects were detained without incident.                                                                                                                                                                                                                               |    |
| 18 | 40MM Launcher                                                              | Officers responded to a report of a subject in mental-health crisis who was reportedly holding two knives. A 40MM Launcher was deployed but not used, and the subject was detained without incident.                                                                                                            | 11 |
| 19 | Patrol Rifle                                                               | Officers assisted with a high-risk stop of a vehicle that had fled an attempted traffic stop and collided with a parked car. A patrol rifle was deployed but not used as occupants were called out one by one, and all subjects complied and were detained without incident.                                    | 5  |
| 20 | Patrol Rifle                                                               | Officers responded to a report of a subject walking with a handgun. Patrol rifles were deployed but not used; the subject complied and was detained without incident, and the item was determined to be a lighter.                                                                                              | 13 |
| 21 | Patrol Rifle                                                               | While conducting a yard search for a possibly armed subject involved in narcotics sales, officers deployed a patrol rifle but did not use it. The subject was detained without incident.                                                                                                                        | 9  |
| 22 | FN 303 Launcher, Patrol Rifle                                              | Officers responded to a report of a subject who had pointed a firearm at a store employee and made threats. An FN 303 Launcher and patrol rifles were deployed but not used; the subject was located and detained without incident, and the firearm was determined to be a replica.                             | 9  |
| 23 | Patrol Rifle, 40MM Launcher                                                | Officers responded to a barricaded subject who racked a shotgun, threatened to shoot officers, and fired a weapon multiple times, including toward officers. Patrol rifles and a 40MM Launcher were deployed; a patrol rifle was used, and the subject was taken into custody and transported for medical care. | 3  |
| 24 | 40MM Launcher                                                              | Officers responded to a disturbance involving a subject reportedly armed and on firearms probation. A 40MM Launcher was deployed but not pointed at anyone; a patrol rifle remained in a patrol vehicle                                                                                                         | 10 |

|    |                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                     |
|----|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
|    |                                              | and was not deployed. The subject was detained without incident.                                                                                                                                                                                                                                                                                                                                                                                        |                     |
| 25 | 40MM Launcher                                | Officers responded to a burglary in progress at a storage facility in which one subject fled back into the building. A 40MM Launcher was deployed but not used, and two subjects were taken into custody without incident.                                                                                                                                                                                                                              | 8                   |
| 26 | 40MM Launcher                                | Officers responded to a report of a resident attempting to force entry into a neighbor's unit who then armed himself with a hammer and a brick. A 40MM Launcher was deployed but not pointed, and the subject was detained without incident.                                                                                                                                                                                                            | 4                   |
| 27 | OC spray                                     | Officers responded to a report of a subject who committed a robbery at a convenience store and sprayed bleach at an employee and at officers. OC spray was used to gain compliance after the subject remained non-compliant, and the subject was taken into custody. First aid was offered for the exposure.                                                                                                                                            | 12                  |
| 28 | FN 303 Launcher, Patrol Rifle, 40MM Launcher | The Special Response Team served a high-risk search and arrest warrant in Alameda for an armed-robbery suspect who fled the attempted arrest. An FN 303 Launcher was used on the fleeing subject who was struck with less-lethal impact rounds; patrol rifles, and a 40MM Launcher were also deployed but not used. The subject was taken into custody without further incident. One less-lethal round struck an unoccupied room of a nearby residence. | Outside of Berkeley |
| 29 | 40MM Launcher                                | Officers responded to a report of a subject cutting himself with a knife who then fled and barricaded behind a refrigerator in an employee lounge. A 40MM Launcher was deployed during negotiations but not used, and the subject was detained without incident and transported for care.                                                                                                                                                               | 14                  |
| 30 | Patrol Rifle                                 | Officers assisted East Bay Regional Parks PD with a warrant subject barricaded in a stolen van. A patrol rifle was deployed but not pointed at anyone, and the subject was taken into custody without incident.                                                                                                                                                                                                                                         | 12                  |
| 31 | 40MM Launcher, FN 303 Launcher               | Officers responded to a report of a subject who brandished a long pole at a victim and attempted to strike him. Two less-lethal Launchers (a 40MM and an FN 303) were deployed but not used during the                                                                                                                                                                                                                                                  | 6                   |

|    |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |    |
|----|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
|    |                                          | detention, and the subject was detained without incident.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |    |
| 32 | FN 303 Launcher, Patrol Rifle            | Officers responded to a report of a subject who discharged a firearm inside a residence. An FN 303 Launcher and a patrol rifle were deployed but not used, and the subject was detained without incident; a firearm was recovered.                                                                                                                                                                                                                                                                                                        | 5  |
| 33 | FN 303 Launcher, OC spray, 40MM Launcher | During an encampment operation, a subject known to officers refused to leave a makeshift structure and was reported to have threatened officers and deployed a fire extinguisher. A 40MM launcher was pointed but not used. OC spray was used towards two aggressive dogs. An FN 303 Launcher was used, with a single round fired into the structure that did not strike the subject; the subject subsequently exited without further incident. The suspect was arrested shortly thereafter when he attempted to return to the structure. | 13 |
| 34 | 40MM Launcher                            | Officers responded to a report of a battery in which the subject was known to have a felony bench warrant and a history of resisting arrest. A 40MM Launcher was deployed but not used, and the subject was detained without incident.                                                                                                                                                                                                                                                                                                    | 14 |
| 35 | 40MM Launcher                            | Officers responded to a call regarding a vehicle blocking a driveway with an unresponsive occupant who was holding a knife. After repeated voice and phone attempts, a 40MM Launcher was deployed as a precaution but not used; the vehicle was opened, the knife secured, and the subject detained without incident.                                                                                                                                                                                                                     | 10 |
| 36 | 40MM Launcher, Patrol Rifle              | Officers pursued a felony vehicle involved in a vehicle theft and a collision that struck a Department vehicle. A patrol rifle and a 40MM Launcher were deployed but not used, and the subject was taken into custody without further incident.                                                                                                                                                                                                                                                                                           | 6  |
| 37 | Patrol Rifle                             | Officers responded to a report of gunshots and a subject on a rooftop. A patrol rifle was deployed and aimed to gain the subject's compliance during a rooftop search, and the subject was detained without incident.                                                                                                                                                                                                                                                                                                                     | 11 |

|    |                             |                                                                                                                                                                                                                                                                                  |                     |
|----|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| 38 | Patrol Rifle                | The Special Response Team served a search and arrest warrant in Oakland. A patrol rifle was deployed but not used while the subject was detained, and he was taken into custody without incident.                                                                                | Outside of Berkeley |
| 39 | 40MM Launcher               | A detainee in the city jail refused to exit his cell. A 40MM Launcher was deployed but not used, and after de-escalation the subject exited on his own and was transported without incident.                                                                                     | 5                   |
| 40 | 40MM Launcher, Patrol Rifle | Officers responded to a report of a subject in a tent reported to have a loaded rifle. A 40MM Launcher and a patrol rifle were deployed but not used; the reported firearms were found to be partially dismantled airsoft rifles, and the contact was resolved without incident. | 12                  |
| 41 | 40MM Launcher               | Officers responded to a report of a subject who battered another person and was accompanied by a large dog. During negotiations a 40MM Launcher was deployed for safety in case the dog became aggressive; it was not used, and the subject signed a citation without incident.  | 5                   |
| 42 | 40MM Launcher               | Officers responded to a report that a neighbor had held a knife to the reporting party. A 40MM Launcher was deployed but not pointed or used, and the contact was resolved without incident.                                                                                     | 3                   |
| 43 | Patrol Rifle                | Officers responded to a report of a subject attempting to fire a gun at people in the area who then boarded a bus to flee. Patrol rifles were deployed but not used as two subjects were located and detained without incident.                                                  | 4                   |
| 44 | Patrol Rifle, 40MM Launcher | Officers responded to a domestic-violence report involving a possible firearm at a location with a history of firearm-related incidents. A patrol rifle and a 40MM Launcher were deployed but not used, and the subject was detained without incident.                           | 5                   |
| 45 | OC spray                    | While in Oakland recovering a vehicle that had been stolen from Berkeley, an officer contacted a subject who attempted to enter the running vehicle and then fled, combatively resisting. OC spray was used to overcome the subject's resistance; the subject re-                | Outside of Berkeley |

|    |                                                                      |                                                                                                                                                                                                                                                                                                                                                                          |                     |
|----|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
|    |                                                                      | entered and fled in the vehicle, which was later recovered.                                                                                                                                                                                                                                                                                                              |                     |
| 46 | 40MM Launcher                                                        | Officers responded to a report of a subject experiencing a mental-health episode who had reportedly flooded an apartment. A 40MM Launcher was deployed based on the call information and prior contacts but was not used; no crime was reported and the subject was left in his residence.                                                                               | 5                   |
| 47 | Drone, FN 303 Launcher, Patrol Rifle, 40MM Launcher                  | The Special Response Team served an arrest and search warrant in San Francisco. A drone was deployed in support of the operation, which was completed without injury or property damage.                                                                                                                                                                                 | Outside of Berkeley |
| 48 | Patrol Rifle                                                         | Officers responded to a report of gunshots inside a residential building, where a subject had reportedly fired at a victim before retreating into a unit. A patrol rifle was deployed but not used, and the subject was detained without incident; he was later placed on a mental-health hold.                                                                          | 4                   |
| 49 | FN 303 Launcher, 40MM Launcher                                       | Officers searched an apartment complex for a subject wanted for felony domestic violence and kidnapping who was the subject of a no-bail warrant. Less-lethal Launchers (an FN 303 and a 40MM) were deployed to support the search teams but not used, and the subject was located and detained without incident.                                                        | 5                   |
| 50 | Drone, FN 303 Launcher, Light/Sound Distraction Device, Patrol Rifle | This robbery investigation resulted in two Special Response Team warrant operations. On the first, in Oakland, a light/sound diversionary and an FN 303 Launcher were used as a fleeing suspect was struck with less-lethal impact rounds; a drone supported the operation and a patrol rifle were also deployed, and the subject was detained without further incident. | Outside of Berkeley |
| 51 | 40MM Launcher, Light/Sound Distraction Device, Patrol Rifle          | This robbery investigation resulted in two Special Response Team warrant operations. On the second, in Hayward, a patrol rifle, a 40MM Launcher, and a light/sound diversionary device were deployed and used to stop a suspect who attempted to flee in a vehicle, and the subject was taken into custody.                                                              | Outside of Berkeley |
| 52 | Patrol Rifle                                                         | Officers responded to a report of a subject armed with a rifle who had threatened another person. A                                                                                                                                                                                                                                                                      | 13                  |

|    |                 |                                                                                                                                                                                                                                                                                                         |                     |
|----|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
|    |                 | patrol rifle was deployed but not used, and the subject was safely taken into custody without incident.                                                                                                                                                                                                 |                     |
| 53 | OC spray        | Officers responded to reports of a subject behaving erratically and assaulting residents. The subject took a fighting stance, advanced on officers, and attempted to strike them; OC spray was used during the altercation, and the subject was taken into custody. First aid was offered for exposure. | 1                   |
| 54 | 40MM Launcher   | Officers responded to a report of a wanted subject who had barricaded himself in a room. A 40MM Launcher was deployed but not fired, and the subject was taken into custody without incident.                                                                                                           | 13                  |
| 55 | 40MM Launcher   | Officers assisted UC Police with a subject armed with two swords who ignored repeated commands. A 40MM Launcher was used, with a single foam-baton round fired; the subject was ultimately taken into custody and several weapons were recovered.                                                       | 7                   |
| 56 | FN 303 Launcher | Officers responded to a report of a subject in mental-health crisis who had cut herself before officers arrived. An FN 303 Launcher was deployed during negotiations but not used, and the contact was resolved.                                                                                        | 1                   |
| 57 | Patrol Rifle    | During a felony stop in Oakland of a carjacking vehicle whose occupant was possibly armed, a patrol rifle was deployed but not used, and the subjects were detained without incident.                                                                                                                   | Outside of Berkeley |
| 58 | Patrol Rifle    | Officers responded to a report of a subject holding a rifle near a public roadway. A patrol rifle was deployed and pointed at the subject, who disobeyed commands and was taken into custody after a brief struggle; the item recovered was a firearm component.                                        | 8                   |
| 59 | 40MM Launcher   | Officers responded to a call regarding a subject with a knife inside a business. A 40MM Launcher was deployed but not used, and the subject was detained without incident.                                                                                                                              | 3                   |
| 60 | 40MM Launcher   | Officers responded to a report of a subject brandishing and threatening a family member with a knife in their home. A 40MM Launcher was deployed                                                                                                                                                        | 7                   |

|    |                              |                                                                                                                                                                                                                         |    |
|----|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
|    |                              | due to the reported threat with a weapon; it was not used, and the subject was detained without incident.                                                                                                               |    |
| 61 | Milkor LTL multi-Launcher    | Officers responded to a report of a subject in mental-health crisis who was known to resist police. A Milkor LTL multi-Launcher (less-lethal) was deployed but not used, and the subject was detained without incident. | 10 |
| 62 | Mobile Command Vehicle (MCV) | The MCV was utilized as a command post during the 6 Cal Berkeley football games that took place in Berkeley.                                                                                                            | 7  |

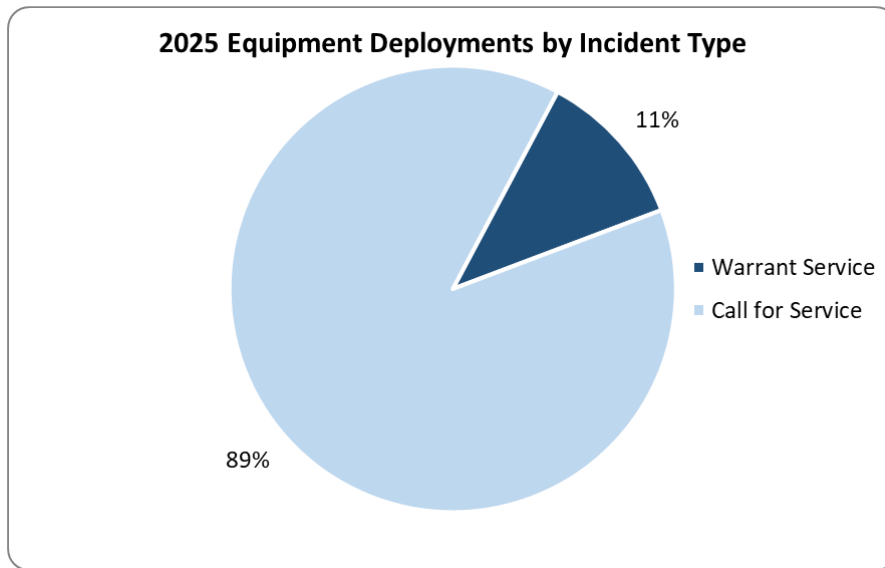
No additional internal audits were conducted beyond those performed to gather and confirm data for this report. BPD received one complaint pertaining to an incident that involved the use of police equipment. The resulting investigation is ongoing.

### Deployment Statistics

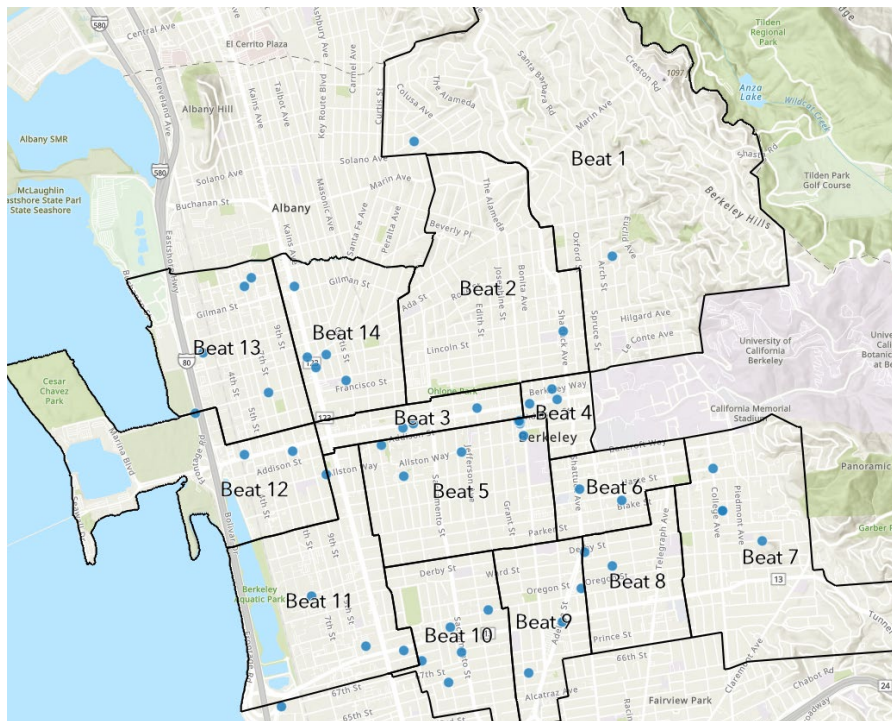
The table below displays the total number of deployments for each specified piece of equipment in 2025. Note that different types of equipment may be deployed in a single incident, and the same piece of equipment may be deployed by multiple officers during one incident.

| <b>Equipment</b>                                              | <b>Number of Deployments</b> |
|---------------------------------------------------------------|------------------------------|
| <i>Patrol Rifle</i>                                           | 31                           |
| <i>40MM Single Launcher</i>                                   | 35                           |
| <i>40MM LTL Multi-Launcher</i>                                | 1                            |
| <i>FN 303 Launcher</i>                                        | 12                           |
| <i>FN Pava Impact Projectile</i>                              | 0                            |
| <i>Oleoresin Capsicum Spray</i>                               | 5                            |
| <i>Chlorobenzylidene Malononitrile and Oleoresin Capsicum</i> | 0                            |
| <i>Precision Rifle</i>                                        | 1                            |
| <i>Light/Sound Diversionary Device</i>                        | 3                            |
| <i>Long Range Acoustic Device</i>                             | 2                            |
| <i>36" Batons</i>                                             | 0                            |
| <i>Barret Model 99</i>                                        | 0                            |
| <i>Mobile Command Vehicle</i>                                 | 7                            |
| <i>Recon Scout XT (throw-bot)</i>                             | 2                            |
| <i>Andros Remotec HD-1 Robot</i>                              | 0                            |
| <i>Drone</i>                                                  | 4                            |

The chart below shows the breakdown of uses by incident type.



The map below shows the locations of the equipment deployments by BPD in Berkeley (excluding the Mobile Command Post where the MCV is deployed near UC campus).



## Fiscal Impact

Funding for all training and ongoing cost in military equipment are sourced from the Berkeley Police Department's existing budget. The only eligible equipment that was purchased in 2025 was .223 ammunition and .308 ammunition. The projected eligible equipment acquisitions in 2026 will be for .223 and .308 ammunition.

The Berkeley Police Department conducts in-house training on all specialized equipment that the department possesses. This ensures officers are fully trained to utilize the tools in the department's possession to safeguard our community. The cost of in-house training is staff time. Some of the training on specialized equipment must be conducted externally. The fiscal cost on external training related to military equipment in 2025 included expenses from Special Response Team training (\$1,811) and rifle and less lethal instructor training (\$5,198). Training frequencies vary by equipment type and operational role. All officers train annually on less lethal equipment. Officers authorized to carry the .223 rifle are required to complete a one-time 16-hour external certification course, after which proficiency is maintained through regular internal training, with Special Response Team members conducting additional operational training involving rifles, flash bangs (inert for training) and the LRAD. Ongoing departmental range training most often occurs in an on-duty status.

### **M4/Patrol Rifle**

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

Ammunition costs fluctuate with the costs of components (brass, primers, gunpowder, and bullets) and supply/demand. Current costs for .223 Remington range from \$0.50 to \$0.75 a round for training ammunition (55 grain) and \$1.25 to \$1.50 a round for duty ammunition (62 grain). 35,000 rounds of .223 ammunition were acquired in 2025 with a fiscal impact of \$16,636.73.

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

Typical round count for such classes range between 800 rounds and 1200 rounds per student. Additionally, all officers issued a rifle receive specific 8-hour rifle training every two years by a BPD firearm instructor which constitutes an additional 500 or so rounds per officer.

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

#### **Penn Arms 40MM Single Launcher**

Penn Arms 40MM single Launchers purchased by the department cost \$815.00 each. Ongoing cost for Penn Arms single Launcher should be based on the projectiles used in training and on duty. This will fluctuate based on department trainings, projectile availability and events that unfold in the city and surrounding region.

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

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

#### **Milkor LTL Multi-Launcher**

Milkor LTL Multi-Launchers purchased by the department cost \$3,950.00 each. The ongoing cost for the Milkor LTL Launcher should be based on the projectiles used in training and on duty. This will fluctuate based on department trainings, projectile availability and events that unfold in the city and surrounding region.

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

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

#### **FN 303 and FN Pava Impact Projectile**

FN 303s purchased by the department cost \$800.00 each. Ongoing cost associated with the FN303 Launcher should be based on the projectiles used in training and on duty. This will fluctuate based on department trainings, projectile availability and events that unfold in the city and surrounding region.

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

Maintenance costs vary depending on use. Generally, O-rings need to be replaced every 3,000 rounds and cost \$30 per kit.

#### **Chlorobenzylidene Malononitrile (CS) and OC**

The cost for CS canisters ranges from \$20.00 to \$39.00 per unit. The cost for OC canisters ranges from \$36.00 to \$44.00 per unit. Training is conducted by a Police Officer Standard Training (POST) certified Berkeley Police chemical agent training officer. The cost of training is staff time.

#### **Remington 700 Rifle**

The initial cost to purchase this rifle with its associated components is approximately \$10,000 dollars each. Their average life span is 10-years at which time it will likely need to be replaced. Ongoing cost for all firearms should be based on the ammunition used in training and on duty and maintenance. This will fluctuate based on training.

The cost associated with training is the staff time, range fees, and cost of spent ammunition. Special Response Team (SRT) members train once a month and, on average, each member shoots approximately 50-rounds. Currently, there are only 4 members shooting at each training day. This equates to approximately 2,400 rounds of ammunition being fired per year. This does not include special training days or attendance to training schools/classes. A single box of 20-rounds costs approximately \$20 dollars or \$1 dollar per round. Authorized and trained Berkeley Police armorers service and provide regular maintenance of the rifles. The cost of maintenance is staff time. In 2025, BPD purchased 500 rounds at a cost of \$656.81.

#### **Barrett Model 99 Rifle**

The retail cost of the Barrett Model 99 Rifle is approximately \$12,500. The Department of Justice provided the Barrett Modell 99 Rifle to the Berkeley Police Department in 2007. The ongoing cost related to this rifle is the cost of ammunition and training.

The ammunition has a retail cost of approximately \$6 dollars per bullet; \$60 for a box of 10 and \$600 for a case of 10 boxes, plus shipping and handling. The cost associated with training is the staff time, range fees, and cost of spent ammunition.

#### **Light/Sound Distraction Device**

Diversionsary Devices cost approximately \$45 per unit. Purchases for these tools are made when inventory becomes low, based upon critical incident usage and Special Response Team trainings that incorporate live devices.

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

#### **Long Range Acoustic Device (LRADS)**

The LRAD 450XL and the LRAD 100X were purchased in 2018. The total cost for both the LRADS, rechargeable battery packs and accessories was \$49,999. Training is conducted by Berkeley Police personnel who are trained in the use and procedures of the LRAD. The cost to train is staff time.

#### **ReconRobotics Recon Scout XT**

The initial cost for the Recon Scout XT robot was about \$12,500 per unit in 2010. There are no ongoing costs associated with the use of the Recon Scout XT robot. Being that it is battery operated, there is a nominal cost associated with charging the Recon Scout XT robot's batteries, and the batteries of the OCU (controller).

The Recon Scout XT robot is fairly simple to operate, thus there is no cost associated with training officers in its use. Generally, the Recon Scout XT robot is robust and does not need regular repair or service. The cost of training is staff time.

#### **Andros Remotec HD-1 Hazardous Duty Robot**

The Hazardous Duty Robot was purchased in 2008 for \$214,496. Being that it is battery operated, there is a nominal cost associated with charging the robot. Maintenance of the Hazardous Duty Robot is conducted by the Berkeley Police Bomb Technicians.

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

#### **Mobile Command Vehicle**

The Mobile Command Vehicle was purchased in 2003 for \$230,800. The ongoing cost associated to the MCV is the cost of gasoline and maintenance of the vehicle. Both gasoline and maintenance are received at the City Corporation Yard. Training is conducted in-house, by the Berkeley Police personnel, who are trained in the operation of the vehicle. The training cost is staff time.

The expected useful lifespan of the MCV was 15 years and was eligible for replacement in 2018. A replacement fund for the MCV currently amounts to approximately \$368,000. The vehicle is still functioning, but may need to be replaced in the near future.

**36" Baton**

The Berkeley Police Department maintains a supply of these batons and ongoing costs is only as replacement is needed. The thermoplastic/polymer 36 inch baton ranges from \$50-95 per baton.

## **Attachment 2**

## Chapter 2.100 POLICE EQUIPMENT ORDINANCE

Sections:

- 2.100.010 Name of Ordinance.**
- 2.100.020 Purposes of Ordinance.**
- 2.100.030 Local consistency with California State standards.**
- 2.100.040 Additional City of Berkeley Standards.**
- 2.100.050 Acquisition and Use of Police Equipment.**
- 2.100.060 Reports on the Use of Police Equipment.**
- 2.100.070 Transparency.**
- 2.100.080 Whistleblower Protections.**
- 2.100.090 Severability.**

### **2.100.010 Name of Ordinance.**

(A) This Ordinance shall be known as the Police Equipment Ordinance. (Ord. 8001-NS § 4, 2026)

### **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. (Ord. 8001-NS § 4, 2026)

### **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. (Ord. 8001-NS § 4, 2026)

### **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. (Ord. 8001-NS § 4, 2026)

## **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. (Ord. 8001-NS § 4, 2026)

### **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. (Ord. 8001-NS § 4, 2026)

### **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. (Ord. 8001-NS § 4, 2026)

### **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. (Ord. 8001-NS § 4, 2026)

### **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. (Ord. 8001-NS § 4, 2026)

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**The Berkeley Municipal Code is current through Ordinance 8004-NS, passed March 24, 2026.**

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.berkeleyca.gov](http://www.berkeleyca.gov)

[Hosted by General Code.](#)

# **Attachment 3**



## MEMORANDUM

**Date:** June 12, 2026  
**To:** Honorable Members of the Police Accountability Board (PAB)  
**From:** Katherine Lee, Interim Director of Police Accountability  
Jose Murillo, ODPa Policy Analyst  
**Subject:** Preliminary Review of the Berkeley Police Department's (BPD) 2025 Annual Police Equipment Report and Board Considerations

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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,<sup>1</sup> 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.<sup>2</sup> 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

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

<sup>2</sup> 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,<sup>3</sup> 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

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<sup>3</sup> 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 Item 1**

**Legislative Updates Relevant to the PAB's Work**



**MEMORANDUM**

**Date:** June 12, 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 Updates**<sup>1</sup>

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

| NAME OF LEGISLATION                                                    | STATUS                                                                          | SUMMARY/PURPOSE                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">AB 1537 (Bryan) – Peace Officers: Secondary Employment</a> | <i>05/28/2026 – 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                                                                          |
| <a href="#">AB 1544 (Krell) – Court proceedings: media access</a>      | <i>5/20/2026 – 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. |

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

|                                                                                                                                  |                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><a href="#">AB 1627 (Avila Farias) - Public employment: disqualifications</a></p>                                             | <p>5/28/2026 – <i>In Senate. Read first time. To Com. on RLS. for assignment.</i></p>                                                    | <p>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</p>                                                                                                                                                                                   |
| <p><a href="#">AB 1896 (Gonzalez) – Public employment: disqualifications</a></p>                                                 | <p>5/28/2026 – <i>In Senate. Read first time. To Com. on RLS. for assignment.</i></p>                                                    | <p>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.</p>                                                                            |
| <p><a href="#">AB 2347 (Ahrens) – Commission on Peace Officer Standards and Training: hate crime training and guidelines</a></p> | <p>05/14/2026 – <i>In committee: Held under submission.</i></p>                                                                          | <p>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.</p>                                                                                                                                                                |
| <p><a href="#">SB 691 (Wahab) – Body-worn cameras: policies</a></p>                                                              | <p>6/09/2026 – <i>From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (June 9). Re-referred to Com. on APPR.</i></p> | <p>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 nonevidentiary recordings of a patient undergoing medical or psychological evaluation, procedure, or treatment by emergency service personnel.</p> |
| <p><a href="#">SB 1105 (Perez) – Law Enforcement</a></p>                                                                         | <p>6/04/2026 – <i>Referred to Com. on PUB. S.</i></p>                                                                                    | <p>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</p>                                                                                                                         |

Public

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|--|--------------------------------------------------------------------------------|
|  | Attorney General approval and compliance standards for interagency agreements. |
|--|--------------------------------------------------------------------------------|

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                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>BPD Policy 1507 “2026 Legislative &amp; Case Law Update”</b>                                                  | <a href="https://berkeleyca.gov/sites/default/files/2026-02/RELEASE_20260127_T171031_Berkeley%20PD%20Policy%20Manual.pdf#Page=1061">https://berkeleyca.gov/sites/default/files/2026-02/RELEASE_20260127_T171031_Berkeley%20PD%20Policy%20Manual.pdf#Page=1061</a> |
| <b>The California Peace Officers Association also provides a yearly California Legislative and Legal Digest.</b> | <a href="https://cpoa.org/wp-content/uploads/2024/11/2025-Legislative-Legal-Digest.pdf">https://cpoa.org/wp-content/uploads/2024/11/2025-Legislative-Legal-Digest.pdf</a>                                                                                         |

**Lexipol Policy Updates**

There have been no Lexipol policy updates since the PAB’s Special Meeting on June 3, 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 16, 2026 Regular Meeting of the City Council](#)

| Item No. | Title                                                                    | Recommendation                                                                                                                 |
|----------|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| 20       | <a href="#">Memorandum of Understanding: Berkeley Police Association</a> | Approve a new two-year Memorandum of Understanding (MOU) with the Berkeley Police Association, effective through July 1, 2028; |

Public

|                     |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                             |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     |                                                                                                                                                                                         | <p>authorize the City Manager to implement the agreement and related operational arrangements that do not increase City costs; and approve updated salary tables reflecting negotiated compensation changes. The agreement was negotiated within Council-approved parameters and ratified by the Union on May 28, 2026.</p> |
| <p><b>40.a.</b></p> | <p><a href="#">Proposed FY 2027 and FY 2028 Biennial Budget and Five-Year Capital Improvement Program (CIP) and Proposed Biennial Budget and Five-Year CIP Public Hearing No. 2</a></p> | <p>Continue discussion and provide comments on the Proposed Fiscal Year 2027 and Fiscal Year 2028 Biennial Budget and Proposed Five-Year Capital Improvement Program (CIP); conduct Public Hearing No. 2 on the Proposed Biennial Budget and Five-Year CIP, with final adoption on June 23, 2026.</p>                       |

June 15, 2026 Agenda and Rules Committee

Draft Agenda for the June 30, 2026 Regular Meeting of the City Council

| Item No.         | Title                                                                                                                                                                     | Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>28</b></p> | <p><a href="#">Surveillance Technology Ordinance Submissions for Community Video Streams and Investigative Software, Pursuant to Council Direction of May 7, 2026</a></p> | <p>Adopt a resolution approving BPD's Surveillance Use Policies and Acquisition Reports for Community Video Streams (Policy 1306) and Investigative Software (Policy 1307) pursuant to Berkeley's surveillance ordinance.</p> <p>Public Safety Policy Committee Feedback: Approve with revisions clarifying camera verification, owner notification, live monitoring restrictions, AI use and oversight, authorized users, audit requirements, data sources, data retention, liability issues, immigration-related safeguards, and confirmation that Community Video Streams do not record audio.</p> |

**Off-Agenda Item 2**  
**2026 PAB Meeting Calendar**

# 2026 PAB MEETING CALENDAR

## JAN

| S  | M  | T  | W   | T  | F  | S  |
|----|----|----|-----|----|----|----|
|    |    |    |     | 1  | 2  | 3  |
| 4  | 5  | 6  | 7*  | 8  | 9  | 10 |
| 11 | 12 | 13 | 14  | 15 | 16 | 17 |
| 18 | 19 | 20 | 21* | 22 | 23 | 24 |
| 25 | 26 | 27 | 28  | 29 | 30 | 31 |

\*PAB Nominations and Election of Chair and Vice Chair

## FEB

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  |
| 8  | 9  | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |

## MAR\*

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  |
| 8  | 9  | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 |    |    |    |    |

## APR

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
|    |    |    | 1  | 2  | 3  | 4  |
| 5  | 6  | 7  | 8  | 9  | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 |    |    |

## MAY

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
|    |    |    |    |    | 1  | 2  |
| 3  | 4  | 5  | 6  | 7  | 8  | 9  |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 |    |    |    |    |    |    |

## JUN

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
|    | 1  | 2  | 3  | 4  | 5  | 6  |
| 7  | 8  | 9  | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 |    |    |    |    |

## JUL

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
|    |    |    | 1  | 2  | 3  | 4  |
| 5  | 6  | 7  | 8  | 9  | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 |    |

## AUG

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
|    |    |    |    |    |    | 1  |
| 2  | 3  | 4  | 5  | 6  | 7  | 8  |
| 9  | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 |    |    |    |    |    |

## SEP

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
|    |    | 1  | 2  | 3  | 4  | 5  |
| 6  | 7  | 8  | 9  | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 |    |    |    |

## OCT

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
|    |    |    |    | 1  | 2  | 3  |
| 4  | 5  | 6  | 7  | 8  | 9  | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

## NOV

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  |
| 8  | 9  | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 |    |    |    |    |    |

## DEC

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
|    |    | 1  | 2  | 3  | 4  | 5  |
| 6  | 7  | 8  | 9  | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 |    |    |

NACOLE from 11/8-11/12

City Council Meeting

BMC 2.100.050 Due Date

\*City Holiday

\*PAB Meeting

\*Reduced Service Day