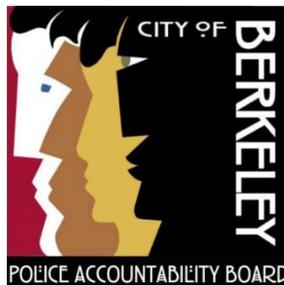


Item 2

February 25, 2026 PAB Regular Meeting Agenda



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA
WEDNESDAY, FEBRUARY 25, 2026
6:30 P.M.**

Board Members

Joshua Cayetano (Chair)
Randy Wells

Leah Wilson (Vice-Chair)
Joshua Buswell-Charkow

MEETING LOCATION

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

PUBLIC NOTICE

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/89007838093>. If you do not wish for your name to appear on the screen, use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen. To join by phone: Dial 1 **669 900 6833** and enter Meeting ID **890 0783 8093**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized.

LAND ACKNOWLEDGMENT

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

AGENDA

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

2. APPROVAL OF AGENDA (2 MINUTES)

3. PUBLIC COMMENT (TBD)

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

4. APPROVAL OF MINUTES (5 MINUTES)

- a. Minutes for the Regular Meeting of February 11, 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 (Est. 1 HOUR 40 MINUTES)

- a. Discussion and action on the FY 2027 and 2028 Budget Process (ODPA) – (15 Minutes)
- b. Discussion and action on the proposed policies and acquisition reports for unmanned aerial systems and drones as first responders (Wells) – (25 Minutes)
Review Deadline: March 11, 2026 (PAB meeting); the item will be presented to the City Council on March 24, 2026.
 - i. Presentation by the UC Berkeley Law Criminal Law & Justice Center
 - ii. Review of BPD’s Proposed UAS and DFR Policies
- c. Discussion and action on new Policy Complaint 2025-PR-0007 in accordance with Section G “Policy Complaints and Reviews” of the PAB’s Standing Rules (ODPA) – (10 Minutes)
 - i. Preliminary Review Report
 - ii. Complainant’s Statement
 - iii. Public Comment
 - iv. BPD Statement
- d. Presentation of the ODPa 2026 Workplan and Preliminary Calendar of Events (ODPA) – (10 Minutes)
- e. Discussion and action on the proposed updated to BPD Policy 351 “External Fixed Video Surveillance Cameras” (ODPA) – 15 Minutes
Review Deadline: March 11, 2026 (PAB meeting); the item will be presented to the City Council on March 24, 2026.
- f. Discussion and action on the proposed resolution rescinding Resolution No. 51,408-N.S. restricting the use of air support and canine units and updating mutual aid policies (Cayetano) – (15 Minutes)
Review Deadline: March 11, 2026 (PAB meeting); the item will be presented to the PSPC in late March. Exact date to be determined.
- g. Recap of the PAB’s 2026 Annual Retreat (Wilson) – (10 Minutes)

10. PUBLIC COMMENT (TBD)

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

11. CLOSED SESSION

CLOSED SESSION ITEMS

Pursuant to the Court’s order in *Berkeley Police Association v. City of Berkeley, et al.*, Alameda County Superior Court Case No. 2002-057569, the Board will recess into

closed session to discuss and act on the following matter(s):

- a. Conference With Labor Negotiators; Government Code § 54957.6
Designated representatives: Leah Wilson, Designated PAB Representative;
Jose Murillo, Acting Director of Police Accountability
Employee organization: Berkeley Police Association
- b. Case Updates and Recommendations Regarding Complaints Received by the ODPAs:

i. 2023-CI-0016	xi. 2025-CI-0035
ii. 2024-CI-0004	xii. 2025-CI-0036
iii. 2025-CI-0018	xiii. 2025-CI-0037
iv. 2025-CI-0020	xiv. 2025-CI-0038
v. 2025-CI-0026	xv. 2025-CI-0039
vi. 2025-CI-0027	xvi. 2025-CI-0040
vii. 2025-CI-0029	xvii. 2025-CI-0041
viii. 2025-CI-0030	xviii. 2026-CI-0001
ix. 2025-CI-0033	xix. 2026-CI-0002
x. 2025-CI-0034	xx. 2026-CI-0003

END OF CLOSED SESSION

12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS (1 MINUTE)

13. ADJOURNMENT (1 MINUTE)

Off Agenda Reports

1. Policy, Practice, and Procedure Review Status Report
2. Legislative Updates Relevant to the PAB's Work
3. 2026 PAB Meeting Calendar

Communications Disclaimer

Communications to the Police Accountability Board, like all communications to Berkeley boards, commissions, or committees, are public records and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission, or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the Board Secretary. If you do not want your contact information included in the public record, do not include that information in your communication. Please contact the Board Secretary for further information.

Communication Access Information (A.R. 1.12)

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date.

SB 343 Disclaimer

Any writings or documents provided to a majority of the Board regarding any item on this agenda will be made available for public inspection at the Office of the Director of Police Accountability, located at 1900 Addison Street, Floor 3, Berkeley, CA 94704

Contact the Director of Police Accountability (Board Secretary) at:

1900 Addison Street, Floor 3, Berkeley, CA 94704

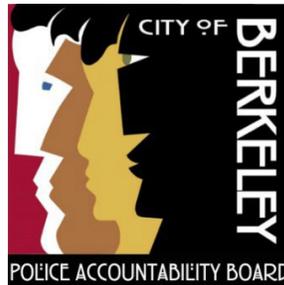
TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955

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

Email: dpa@berkeleyca.gov

Item 4

Minutes for the Regular Meeting of February 11, 2026



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

Board Members

Joshua Cayetano (Chair)
Randy Wells

Leah Wilson (Vice-Chair)
Joshua Buswell-Charkow

MEETING LOCATION

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

MEETING MINUTES

1. CALL TO ORDER AND ROLL CALL AT 6:32 PM

Present: Board Member Joshua Cayetano (Chair)
Board Member Leah Wilson (Vice Chair)
Board Member Buswell-Charkow
Board Member Randy Wells¹

Absent: None.

ODPA Staff: Jose Murillo, Acting Director of Police Accountability (DPA)
Syed Mehdi, Data Analyst
Daniel Weinberg, Investigator

BPD Staff: Chief Louis
Lt. Bonaventure
Arlo Malmberg, Strategic Planning and Accountability Manager

¹ Board Member Wells arrived at 6:40pm.

2. APPROVAL OF AGENDA

Motion to strike Item 11B and approve the agenda as amended.

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

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

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

3. PUBLIC COMMENT

4 Physically Present Speakers

3 Virtually Present Speakers

4. APPROVAL OF MINUTES

- a. Minutes for the Special Meeting of January 17, 2026.

Motion to approve the minutes for the Special Meeting of January 17, 2026.

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

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

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

- b. Minutes for the Regular Meeting of January 21, 2026.

Motion to approve the minutes for the Regular Meeting of January 21, 2026.

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

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

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

5. ODPA STAFF REPORT

Acting Director Murillo provided an update regarding staffing changes and outlined the Office's plan to maintain continuity of operations. He reported that the Office is currently assessing workload and operational impacts. He also noted that budget review and regulatory matters remain active priorities and that further updates regarding interim leadership timelines would be provided when available.

6. CHAIR AND BOARD MEMBERS' REPORTS

The Chair and Board Members delivered extended remarks addressing the resignations of Board Members Kitty Calavita and Juliet Leftwich and the dismissal of Director Aguilar. The Chair read excerpts from public statements issued by the former Board Members and from Director Aguilar and reflected on the broader structural challenges facing civilian oversight in Berkeley. Board Members discussed the importance of institutional integrity, the loss of institutional knowledge, and their continued commitment to advancing transparency and accountability in policing.

7. CHIEF OF POLICE'S REPORT

Chief Louis provided updates on departmental initiatives, including progress related to the STO process and the development UAS policy proposals. The Chief discussed efforts to address staffing challenges through restructuring, the expansion of the CSO program, and the formation of a flex team within patrol operations. Additional updates included traffic enforcement initiatives aligned with Vision Zero goals and ongoing budget considerations.

8. SUBCOMMITTEE REPORTS

Motion to dissolve the Regulations Subcommittee and appoint Vice Chair Wilson as liaison for regulatory matters.

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

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

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

Motion to Remove Chair Cayetano from the Outreach and Engagement Subcommittee.

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

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

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

Motion to Remove Chair Cayetano from the Policies and Practices on Encampment Appearances Subcommittee.

Moved/Second (Wilson/Wells) Motion carried.

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

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

Motion to Dissolve the Arrest Quota Prohibition Subcommittee.

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

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

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

Motion to Close Policy Reviews 2025-0001 and 2025-0004.

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

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

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

9. DISCUSSION AND ACTION ITEMS

- a. Discussion and action on the adoption of resolutions honoring Board Member Kitty Calavita and Board Member Juliet Leftwich for their years of service and contributions to the Police Accountability Board, Police Review Commission, and the City of Berkeley

Motion to suspend the rules to allow public comment on item 9.a.

Moved/Second (Wilson/Wells) Motion carried.

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

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

3 *Physically Present Speakers*

2 *Virtually Present Speakers*

Motion to adopt the resolutions honoring Board Member Kitty Calavita and Board Member Juliet Leftwich for their service.

Moved/Second (Wilson/Wells) Motion carried.

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

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

- b. Discussion and action on the proposed policies and acquisition reports for unmanned aerial systems and drones as first responders

No Action Taken. The Board received a presentation from BPD staff regarding the proposed policies and acquisition reports for UAS and DFR.

- c. Discussion and action on the proposed resolution rescinding the Berkeley Police Department's Pepper Spray Reporting Requirement and relevant updates regarding the rescission and replacement of the Police Equipment and Community Safety Ordinance (Cayetano) Discussion and action on the proposed resolution rescinding Resolution No. 51,408-N.S. restricting the use of air support and canine units and updating mutual aid policies

Motion to recommend that the City Council amend the Police Equipment and Community Safety Ordinance to require reporting on the use of pepper spray.

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

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

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

- d. Discussion and action on the proposed resolution rescinding Resolution No. 51,408-N.S. restricting the use of air support and canine units and updating mutual aid policies

Motion to approve the letter regarding Resolution No. 51,408-N.S. as presented.

Moved/Second (Cayetano/Wilson) Motion carried.

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

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

- e. Discussion and action on new Policy Complaint 2025-PR-0007 in accordance with Section G "Policy Complaints and Reviews" of the PAB's Standing Rules
 - i. Preliminary Review Report
 - ii. Complainant's Statement
 - iii. Public Comment
 - iv. BPD Statement

Motion to table Item 9e.

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

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

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

- f. Presentation of the ODPa 2026 Workplan and Preliminary Calendar of Events

Motion to table Item 9f.

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

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

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

10. PUBLIC COMMENT

2 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: Hansel Aguilar, Director of Police Accountability
Employee organization: Berkeley Police Association

- ~~b. Government Code Section 54957
Public Employee Performance Evaluation
Title: Director of the Office of the Director of Police Accountability (ODPA)~~

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

ODPA Case No. 2025-CI-0026

Motion to accept the ODPa's recommendations in ODPa Complaint 2025-CI-0026.

Moved/Second (Cayetano/Wilson) Motion carried.

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

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

ODPA Case No. 2025-CI-0032

Motion to accept the ODPa's recommendations in ODPa Complaint 2025-CI-0032.

Moved/Second (Wells/Wilson) Motion carried.

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

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

ODPA Case No. 2025-CI-0043

Motion to accept the ODPAs' recommendations in ODPAs Complaint 2025-CI-0043.

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

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

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

ODPA Case No. 2025-CI-0039

Motion to Administratively Close ODPAs Complaint 2025-CI-0039.

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

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

Noes: None. Abstain: None. Absent: None

END OF CLOSED SESSION

12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

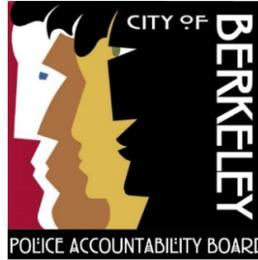
Chair Cayetano announced the closed session actions.

13. ADJOURNMENT AT 10:10 PM

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

Item 8
Subcommittee List

Updated on 2/20/2026



SUBCOMMITTEES LIST

Important Note: As of February 20, 2026, the PAB has 4 of its 9 seats filled, resulting in a quorum of 3 members. Subcommittees must be composed of fewer than a quorum and may not consist of a single member. Accordingly, vacancies must be filled or the subcommittee must be disbanded. If disbanded, its work can be reassigned to individual board members or formally paused or discontinued. For additional information on subcommittee requirements, please visit Chapter II Section 5 of the City of Berkeley's Commissioner's Manual:

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

Subcommittee	Board Members	Chair	BPD Reps
Policy Reviews Formed 11-08-2023 Scope Expanded 12-11-2024 to include BWC Policy Review	Cayetano [Vacant] <u>Public members:</u> Kitt Saginor	N/A	Deputy Chief Tate Sgt. Rafferty
Metrics & Operations Formed 02-05-2025 after the Budget & Metrics and Operations & Processes Subcommittees were consolidated into one	Wilson Wells	N/A	N/A
Outreach & Engagement Formed 11-08-2023 Scope Expanded 03-02-2024 Formally "Commendations"	Wells Buswell-Charkow	N/A	N/A

Updated on 2/20/2026

Policies and Practices on Encampment Clearances Former 6-25-2025	Wells Wilson	TBD	TBD
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LIAISON LIST¹

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

¹ Liaison list does not include topics that were originally assigned to a Board Member but later assigned to a subcommittee.

Item 9.b.

BPD Policy Redlines for Unmanned Aerial Systems and
Drones as First Responders:

- BPD Policy 611 “Unmanned Aerial System (UAS)
Operations”
 - BPD Policy 709 “Military Equipment”
 - BPD Policy 1303 “Surveillance Use Policy –
Unmanned Aerial System (UAS)”

Items Originally Included in the PAB Meeting Packet of February 11, 2026

Berkeley Police Department
Law Enforcement Services Manual



Berkeley Police Department
Law Enforcement Services Manual

Unmanned Aerial System (UAS) Operations

611 PURPOSE AND SCOPE

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

611.1 DEFINITIONS

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

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

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

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

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

611.2 POLICY

Unmanned aerial systems may be utilized for the purpose of enhancing the

Berkeley Police Department

Law Enforcement Services Manual

department's mission to safeguard our diverse community by enabling remote visual assessment and real-time situational awareness in the situations specified in this policy. Any use of a UAS will also be in strict accordance with BMC 13.114 Sanctuary City Ordinance, constitutional and privacy rights, and FAA regulations.

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

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

611.3 PRIVACY

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

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

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

611.4 PROGRAM COORDINATOR

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

611.5 PERMITTED USE

Berkeley Police Department

Law Enforcement Services Manual

Authorized operators may deploy the UAS in the following circumstances:

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

611.6 PROHIBITED USE

- 1) The UAS shall not be used:
 - a) To conduct random or arbitrary surveillance activities. This prohibition includes,

Berkeley Police Department

Law Enforcement Services Manual

but is not limited to, first amendment assemblies in accordance with Policy 428 First Amendment Assemblies.

- b) To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
 - c) To harass, intimidate, or discriminate against any individual or group.
- 2) Furthermore, the UAS shall not be equipped with:
- a) Facial recognition software
 - b) Biometric analysis capabilities
 - c) Weapons of any kind, including lethal or non-lethal munitions.

611.7 TRAINING

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

611.8 RETENTION REQUIREMENTS

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

611.9 RELEASE OF RECORDINGS

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

Background

The Berkeley Police Department (BPD) seeks to acquire a comprehensive Unmanned Aerial System (UAS) program to enhance public safety operations and improve incident response times. This acquisition includes three distinct capabilities: interior-capable drones for searching confined spaces, field-deployed drones carried in patrol vehicles for immediate on-scene situational awareness, and a "Drone as a First Responder" (DFR) system capable of launching from a rooftop docking station. While UAS technology offers broad applications across various City departments such as for wildfire monitoring and disaster response, this Impact Statement specifically addresses the use of this equipment by the Police Department for law enforcement purposes.

This document satisfies the requirements of AB 481 for “approval of the governing body, by an ordinance adopting military equipment use policy” for a specific type of military equipment: “unmanned, remotely piloted, powered aerial... vehicle” (AB 481). It also satisfies the requirements of BMC 2.100 for “a publicly released, written document that includes...” sections covering description, purpose, fiscal cost, impact, mitigations, alternatives, and third-party dependence of the equipment.

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.

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

Description:

The Unmanned Aerial System (UAS) described in this appendix consists of four different types of aircraft, including attached cameras, and internal components to support the safe and effective operation of the systems. Two of them are traditional UAS and two of them would allow the implementation of a “Drone as a First Responder” (DFR) system. The UAS are the following models:

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

BERKELEY POLICE DEPARTMENT BMC 2.100 IMPACT STATEMENT AND POLICY 709 UPDATE – UNMANNED AERIAL SYSTEM

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

Quantity:

Our initial purchase recommendation for drones is:

- DJI Avata 2: 4 units
- DJI Matrice 4T: 4 units
- DJI Matrice 4TD: 2 units
- Flock Alpha: 1 unit to replace the 2 Matrice 4TDs within 2 years

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

Capabilities:

- The Avata 2 is a compact system designed for operation in confined interior spaces. It allows officers to remotely search buildings during high-risk alarms or warrant services, minimizing the need for officers to physically enter potentially hazardous environments without prior visual assessment.
- The Matrice 4T is a field-deployed unit carried by patrol officers for immediate operational support. It features high-resolution thermal and zoom sensors ideal for locating missing persons in complex terrain or tracking fleeing suspects to prevent dangerous ground pursuits.
- The Matrice 4TD and Flock Alpha serve as the core of the Drone as First Responder (DFR) program. These systems are capable of autonomous dispatch to calls for service, often arriving before ground units. This capability allows for the rapid verification of incidents, potentially allowing officers to downgrade their response or clear unfounded calls without physical police presence. They provide real-time

situational awareness to responding officers and facilitate safer approaches and de-escalation strategies.

Lifespan:

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

Uses and Effects:

Authorized operators may deploy the UAS in accordance with Unmanned Aerial Systems Use Policy 611.5 Permitted Use and 611.6 Prohibited Use.

How it Works:

Remote controllers would be used to operate each type of UAS. They provide a live video feed and ensure the safe and effective operations of the UAS. Digital media cards would be installed in the UAS and would store the video footage from the flights. The DFR system includes the installation of two charging and telecommunications docks.

Manufacturers' Descriptions:

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

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

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

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

2. Purpose

The specific purpose or purposes that each type of Controlled Equipment is intended to achieve.

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

- By providing an aerial vantage point, the UAS allows officers to create time and distance from a threat. This provides opportunities for negotiation and de-escalation that are not possible when officers are forced to make split-second decisions face-to-face with a suspect.
- The UAS allows for the remote assessment of hazardous scenes (e.g., suspicious devices, armed individuals), reducing the physical risk to officers and bystanders.
- UAS can rapidly clear calls for service (such as unfounded reports), allowing patrol officers to remain available for genuine emergencies and reducing police presence where it is not needed.

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.

The costs below represent estimates. Costs are subject to change at the time of purchase.

Initial Cost:

- Purchase of field-based UAS (Avata 2 & Matrice 4T): Total \$44,500.
- Lease of PSB-based DFR (Year 1): \$100,000.
- Radar (Year 1): included.
- Dock Installation: \$15,000.

Cost of Use:

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- Each individual use of the UAS incurs a negligible financial cost, limited primarily to the electricity required to recharge the aircraft batteries. The operational cost is absorbed within the existing salary of the trained Pilot in Command (PIC) and does not require additional overtime or specialized funding. For the DFR program, the annual lease covers unlimited flights, meaning there is no incremental cost for high-frequency usage.

Costs of Potential Adverse Impacts:

- Costs of adverse impacts could include property damage caused by a malfunctioning drone, but the experience of other agencies with drones and similar programs indicates that such incidents are extremely rare. Furthermore, strict adherence to FAA maintenance schedules, pre-flight inspections, and pilot training requirements serves to minimize the risk of malfunction or operator error. Any costs associated with accidental damage or liability claims would be addressed through the City's existing claims process.

Annual and Ongoing Costs:

- DFR Lease: \$125,000 per year (includes upgrade to Flock Alpha).
- Radar: \$150,000 per year.
- Parts/Maintenance (for purchased units): \$2,000 per year.

Training Costs:

- Training (4 primary pilots): \$24,000.
- Training (8 additional pilots): \$48,000.

Maintenance and Storage Costs:

- Parts/maintenance for purchased units: \$2,000 per year.
- Parts/maintenance for leased units: included.

Upgrade Costs:

- DFR upgrades are included in the lease. Within two years, this UAS would be replaced with Flock Alpha UAS and a battery swapping dock.

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.

Welfare and Safety

The use of UAS technology will provide the Berkeley Police Department with an industry-standard tool that significantly enhances operational safety and efficiency. The UAS will improve response times to critical emergencies and calls for service, particularly those hampered by traffic congestion or geographic barriers. By providing rapid, aerial situational awareness, the UAS allows officers to assess threats and locate suspects before physical engagement. This capability allows officers to use time and distance to formulate de-escalation strategies, thereby reducing the likelihood of dangerous encounters for both officers and the community.

Civil Rights and Civil Liberties

The Department acknowledges that UAS operations involve inherent privacy considerations, including the risk of inadvertently capturing footage of private areas (e.g., backyards or through windows) or uninvolved community members. To address this, the Department has established strict prohibitions against random surveillance or targeting individuals based on protected characteristics. While the aerial vantage point provides critical safety data, the Department's policies prioritize civil liberties by restricting recording to authorized missions and mandating that cameras be diverted away from private spaces when not actively engaged in a call for service, as detailed in the "Mitigations" section below.

5. Mitigations

Specific, affirmative technical and procedural measures that will be implemented to safeguard the public from such impacts.

To safeguard the public's welfare and civil liberties, the Department will implement the following affirmative technical and procedural measures:

- All DFR cameras will be programmed to orient toward the horizon (preventing ground recording) while in transit to a call for service. The camera will only point down upon arrival at the authorized scene.

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- All UAS flights are logged, and flight data is auditable. Video data is stored on secure, encrypted servers (Evidence.com) with strict chain-of-custody controls.
- The UAS will not be equipped with facial recognition software or weapons of any kind.
- As required by BMC 2.99 and BMC 2.100, the Department will publish data regarding deployments on an annual basis.
- Information including flight logs and incident type will be published on a publicly accessible transparency portal shortly after the conclusion of a flight, typically within 1 hour after docking.
- The program is subject to review by the Police Accountability Board and approval by the City Council via the Annual Military Equipment Report and the Annual Surveillance Technology Report.

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.

In the absence of a UAS program, the department would be limited to less effective and more costly alternatives. If we were to gain the same level of operational support, we could attempt to increase the amount of officers to match the coverage and responsiveness of aerial support. However that is not feasible at this time due to well established challenges in hiring and training suitable candidates. It would also not address underlying efficiency issues in that ground-based units lack the elevated perspective needed for efficient searches, crowd monitoring, and scene management, and offer reduced capacity to maintain time and distance for de-escalation. This can heighten the potential for confrontational encounters and diminish effectiveness in pursuits or rapidly evolving incidents.

Additionally, taking no action would leave existing operational challenges unaddressed. The department would continue to rely on outside agencies for aerial support, risking delays in critical moments. Without its own UAS capability, the department would forgo enhancements in officer safety and public protection, while falling behind regional peers who have already adopted this widely accepted and increasingly standard public safety tool.

7. Third Party Dependence

Whether use or maintenance of the Controlled Equipment will require the engagement of third party service providers.

All UAS data will be uploaded and stored on Axon’s Evidence.com platform in line with existing departmental protocol for evidence collection. Axon complies with the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and Switzerland to the United States (collectively, “Privacy Shield”). Axon has certified to the U.S. Department of Commerce that it adheres to the Privacy Shield Principles.

8. Legal and Procedural Rules

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

9. Training

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

Military Equipment---DRAFT---

709.1 PURPOSE AND SCOPE

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

709.1.1 DEFINITIONS

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

Governing body – The Berkeley City Council.

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

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

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709.2 POLICY

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

709.3 MILITARY EQUIPMENT COORDINATOR

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

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

709.4 MILITARY EQUIPMENT INVENTORY

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

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

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- [AVATA 2 UAS](#)
- [DJI MATRICE 4T UAS](#)
- [DJI MATRICE 4TD](#)
- [FLOCK ALPHA](#)

709.5 M4 RIFLE / PATROL RIFLE

DESCRIPTION:

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

Quantity: The Berkeley Department currently owns and maintains 96 rifles

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

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

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

PURPOSE AND AUTHORIZED USE:

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

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

FISCAL IMPACT:

Initial Cost: Exact costs unknown. Rifle prices, like other firearms, will range depending on current market demand and availability. While M4 rifles purchased several years ago cost

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between \$1,000 and \$1,200 a piece, current rifles cost between \$1,400 and \$1,600. It should be expected that these prices will fluctuate and likely increase over time.

Annual cost: Cost of use for all firearms should be based on the ammunition used in training and on duty. This will fluctuate based on whether the rifle is issued to a patrol officer, a firearms instructor, or a Special Response Team member as each assignment has different training requirements.

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

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

LEGAL AND PROCEDURAL RULES:

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

TRAINING:

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

709.6 .223 RIFLE AMMUNITION (FOR THE COLT M4 RIFLE)

DESCRIPTION:

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

Quantity: Quantity of rifle ammunition fluctuates significantly depending on training attended, including the standard basic police academy, officer assignments, and yearly mandate training cycles. For example, most police academy recruits are required to bring

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approximately 1,000 rounds to the basic POST approved academy. Most academies have a 16-24-hour rifle training course. The training is required for all officers who are issued a rifle and mandates between 800 and 1,200 rounds. As such, the inventory at the Berkeley Police Department fluctuates significantly depending on how many officers are attending state mandated training and can range from 10,000 round (our current inventory) to less than 1,000 rounds (our anticipated inventory at the end of December after scheduled department training in November.)

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

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

Product Description:

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

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

.223 Remington ammunition 62 grain soft point

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

PURPOSE AND AUTHORIZED USE:

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

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

FISCAL IMPACT:

Initial Cost: Ammunition costs fluctuate with the costs of components (brass, primers, gunpowder, and bullets) and supply/demand. Current costs for .223 Remington range from \$0.50 to \$0.75 a round for training ammunition (55 grain) and \$1.25 to \$1.50 a round for duty ammunition (62 grain).

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

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

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

LEGAL AND PROCEDURAL RULES:

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

TRAINING:

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

709.7 LESS LETHAL LAUNCHER: PENN ARMS 40 MM SINGLE LAUNCHER

DESCRIPTION:

Type: Penn Arms 40 mm Single Launcher

Quantity: The Berkeley Department currently owns and maintains 20.

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

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

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

PURPOSE AND AUTHORIZED USE:

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

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

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

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

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

FISCAL IMPACT:

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

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

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

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

LEGAL AND PROCEDURAL RULES:

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

TRAINING:

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

709.8 LESS LETHAL LAUNCHER: MILKOR LTL MULTI-LAUNCHER

DESCRIPTION:

Type : Milkor LTL Multi-launcher

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

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

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

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

PURPOSE and AUTHORIZED USE:

Purpose: The purpose of kinetic energy impact projectiles, commonly referred to as "less lethal" is to preserve life, minimize the use of force and allow time for de-escalation attempts. Less lethal projectiles allow the user to maintain a safe distance from a subject who is armed

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and/or demonstrates the intent to be violent. The ability to maintain a safe distance – while still providing a level of control over the subject – allows officers to employ de-escalation techniques, request additional resources and develop a plan to safely resolve the situation with the least amount of risk.

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

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

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

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

FISCAL IMPACT:

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

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

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

Maintenance costs: Maintenance costs vary depending on use.

LEGAL AND PROCEDURAL RULES:

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

TRAINING:

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

709.9 LESS LETHAL LAUNCHER: FN 303 AND FN PAVA IMPACT PROJECTILE

DESCRIPTION:

Type: FN 303 and FN Pava Impact Projectile

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

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

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

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

PURPOSE AND AUTHORIZED USE:

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

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

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An Officer's threat perception of a person who is in close proximity as opposed to a person who is at a distance of 20 yards is naturally different. A person in close proximity intent on violence has the ability to immediately utilize personal body weapons, a bludgeoning device or cutting instrument. The immediacy requires the Officer to react instantly and there is a greater potential that a higher level of force will be needed.

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

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

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

FISCAL IMPACT:

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

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

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

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

LEGAL AND PROCEDURAL RULES:

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

TRAINING:

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

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709.10 OLEORESIN CAPSICUM (OC) SPRAY

DESCRIPTION:

Type: Oleoresin capsicum (OC) spray

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

Qty 23- First Defense MK-9 OC spray (13 ounces)

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

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

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

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

PURPOSE AND AUTHORIZED USE:

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

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

FISCAL IMPACT:

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

Annual cost: See below cost of training.

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

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

LEGAL AND PROCEDURAL RULES:

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

TRAINING:

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

709.11 CHLOROBENZYLIDENE MALONONITRILE (CS)

DESCRIPTION:

Type: Chlorobenzylidene malononitrile (CS)

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

Qty 6 – 5230 CS Canisters

Qty 24 – 6230 CS Canisters

Qty 20 – 5230B CS Baffled Canister (flameless)

Qty 17 – 5231 CS Tri-Phaser Canisters

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

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

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

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

Lifespan: CS canisters expire in approximately 5 years.

Manufacturer's Description: Unable to locate from the manufacturer, provided by the subject matter experts. Chlorobenzylidene malononitrile (CS) is one of the most commonly

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used "tear gases" in the world. It can be liquid, gaseous, or solid substance intended to produce temporary discomfort through being vaporized or otherwise dispersed in the air. Law enforcement (LE) agencies have found this agent invaluable when faced with combative suspects, for crowd/riot control, and for alleviating barricaded subject situations. LE use it to help control individuals or groups without the need for a higher level of force. There are four different deployment methods of chemical agents (Aerosol - most commonly used by police departments, Fogging, Pyrotechnics, and blast expulsion). All methods of deployment can be affected by certain environmental and physical conditions (wind, rain, temperature, distance, and proximity to others). At standard daily temperatures and pressures, CS forms a white crystal with a low vapor pressure and poor solubility in water.

PURPOSE AND AUTHORIZED USE:

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

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

FISCAL IMPACT:

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

Annual cost: See below cost of training.

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

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

LEGAL AND PROCEDURAL RULES:

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

TRAINING:

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

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709.12 OLEORESIN CAPSICUM (OC) CANISTERS

DESCRIPTION:

Type: Oleoresin capsicum (OC)

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

Inventory for OC canisters:

Qty 54 - 9440 OC Tear Ball

Qty 19 - 5440 OC Flameless

Qty 20 - 6340 OC Vaper

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

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

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

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

PURPOSE AND AUTHORIZED USE:

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

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

FISCAL IMPACT:

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

Annual cost: See below cost of training.

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

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

LEGAL AND PROCEDURAL RULES:

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

TRAINING:

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

709.13 REMINGTON 700 RIFLE

DESCRIPTION:

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

Quantity: The Berkeley Department currently owns and maintains 6 rifles

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

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

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

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

PURPOSE AND AUTHORIZED USE:

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

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

FISCAL IMPACT:

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

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

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

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

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

LEGAL AND PROCEDURAL RULES:

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

TRAINING:

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

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709.14 HORNADY .308 CALIBER AMMUNITION (FOR THE REMINGTON 700 RIFLE)

DESCRIPTION:

Type: Hornady .308-caliber ammunition

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

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

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

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

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

PURPOSE AND AUTHORIZED USE:

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

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

FISCAL IMPACT:

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

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

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

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

LEGAL AND PROCEDURAL RULES:

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

TRAINING:

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

709.15 UNMANNED AERIAL SYSTEMS

BACKGROUND

The Berkeley Police Department (BPD) seeks to acquire a comprehensive Unmanned Aerial System (UAS) program to enhance public safety operations and improve incident response times. This acquisition includes three distinct capabilities: interior-capable drones for searching confined spaces, field-deployed drones carried in patrol vehicles for immediate on-scene situational awareness, and a "Drone as a First Responder" (DFR) system capable of launching from a rooftop docking station. While UAS technology offers broad applications across various City departments such as for wildfire monitoring and disaster response, this Impact Statement specifically addresses the use of this equipment by the Police Department for law enforcement purposes.

This document satisfies the requirements of AB 481 for "approval of the governing body, by an ordinance adopting military equipment use policy" for a specific type of military equipment: "unmanned, remotely piloted, powered aerial... vehicle" (AB 481). It also satisfies the requirements of BMC 2.100 for "a publicly released, written document that includes..." sections covering description, purpose, fiscal cost, impact, mitigations, alternatives, and third-party dependence of the equipment.

DESCRIPTION

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

Description:

The Unmanned Aerial System (UAS) described in this appendix consists of four different types of aircraft, including attached cameras, and internal components to support the safe and effective operation of the systems. Two of them are traditional UAS and two of them would allow the implementation of a "Drone as a First Responder" (DFR) system. The UAS are the following

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models:

- Avata 2: This UAS would be used for tactical operations and searches within interior confined spaces such as a warehouse, commercial building or residence.
- DJI Matrice 4T: This UAS would be used for patrol operations to rapidly respond to the scene of an incident and provide real-time video and situational awareness to officers responding to the scene. These systems would include the UAS, batteries, and software integration with our current CAD and Flock systems.
- DJI Matrice 4TD / Flock Alpha: This UAS would be dedicated to DFR response to rapidly respond to the scene of an incident and provide real-time video and situational awareness to officers responding to the scene. It would also include the installation of two charging and telecommunications docks on the roof of the Public Safety Building. Within two years, this UAS would be replaced with Flock Alpha UAS and a battery swapping dock.

Quantity:

Our initial purchase recommendation for drones is:

- DJI Avata 2: 4 units
- DJI Matrice 4T: 4 units
- DJI Matrice 4TD: 2 units
- Flock Alpha: 1 unit to replace the 2 Matrice 4TDs within 2 years

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

Capabilities:

- The Avata 2 is a compact system designed for operation in confined interior spaces. It allows officers to remotely search buildings during high-risk alarms or warrant services, minimizing the need for officers to physically enter potentially hazardous environments without prior visual assessment.
- The Matrice 4T is a field-deployed unit carried by patrol officers for immediate operational support. It features high-resolution thermal and zoom sensors ideal for locating missing persons in complex terrain or tracking fleeing suspects to prevent dangerous ground pursuits.
- The Matrice 4TD and Flock Alpha serve as the core of the Drone as First Responder (DFR) program. These systems are capable of autonomous dispatch to calls for service, often arriving before ground units. This capability allows for the rapid verification of incidents, potentially allowing officers to downgrade their response or clear unfounded calls without physical police presence. They provide real-time situational awareness to responding officers and facilitate safer approaches and de-escalation strategies.

Lifespan:

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

Uses and Effects:

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Authorized operators may deploy the UAS in accordance with Unmanned Aerial Systems Use Policy 611.5 Permitted Use and 611.6 Prohibited Use.

How it Works:

Remote controllers would be used to operate each type of UAS. They provide a live video feed and ensure the safe and effective operations of the UAS. Digital media cards would be installed in the UAS and would store the video footage from the flights. The DFR system includes the installation of two charging and telecommunications docks.

Manufacturers' Descriptions:

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

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

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

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

PURPOSE

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

- By providing an aerial vantage point, the UAS allows officers to create time and distance from a threat. This provides opportunities for negotiation and de-escalation that are not possible when officers are forced to make split-second decisions face-to-face with a suspect.
- The UAS allows for the remote assessment of hazardous scenes (e.g., suspicious devices, armed individuals), reducing the physical risk to officers and bystanders.
- UAS can rapidly clear calls for service (such as unfounded reports), allowing patrol officers to remain available for genuine emergencies and reducing police presence where it is not needed.

FISCAL COST

The costs below represent estimates. Costs are subject to change at the time of purchase.

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Initial Cost:

- Purchase of field-based UAS (Avata 2 & Matrice 4T): Total \$44,500.
- Lease of PSB-based DFR (Year 1): \$100,000.
- Radar (Year 1): included.
- Dock Installation: \$15,000.

Cost of Use:

- Each individual use of the UAS incurs a negligible financial cost, limited primarily to the electricity required to recharge the aircraft batteries. The operational cost is absorbed within the existing salary of the trained Pilot in Command (PIC) and does not require additional overtime or specialized funding. For the DFR program, the annual lease covers unlimited flights, meaning there is no incremental cost for high-frequency usage.

Costs of Potential Adverse Impacts:

- Costs of adverse impacts could include property damage caused by a malfunctioning drone, but the experience of other agencies with drones and similar programs indicates that such incidents are extremely rare. Furthermore, strict adherence to FAA maintenance schedules, pre-flight inspections, and pilot training requirements serves to minimize the risk of malfunction or operator error. Any costs associated with accidental damage or liability claims would be addressed through the City's existing claims process.

Annual and Ongoing Costs:

- DFR Lease: \$125,000 per year (includes upgrade to Flock Alpha).
- Radar: \$150,000 per year.
- Parts/Maintenance (for purchased units): \$2,000 per year.

Training Costs:

- Training (4 primary pilots): \$24,000.
- Training (8 additional pilots): \$48,000.

Maintenance and Storage Costs:

- Parts/maintenance for purchased units: \$2,000 per year.
- Parts/maintenance for leased units: included.

Upgrade Costs:

- DFR upgrades are included in the lease. Within two years, this UAS would be replaced with Flock Alpha UAS and a battery swapping dock.

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IMPACT

Welfare and Safety

The use of UAS technology will provide the Berkeley Police Department with an industry-standard tool that significantly enhances operational safety and efficiency. The UAS will improve response times to critical emergencies and calls for service, particularly those hampered by traffic congestion or geographic barriers. By providing rapid, aerial situational awareness, the UAS allows officers to assess threats and locate suspects before physical engagement. This capability allows officers to use time and distance to formulate de-escalation strategies, thereby reducing the likelihood of dangerous encounters for both officers and the community.

Civil Rights and Civil Liberties

The Department acknowledges that UAS operations involve inherent privacy considerations, including the risk of inadvertently capturing footage of private areas (e.g., backyards or through windows) or uninvolved community members. To address this, the Department has established strict prohibitions against random surveillance or targeting individuals based on protected characteristics. While the aerial vantage point provides critical safety data, the Department's policies prioritize civil liberties by restricting recording to authorized missions and mandating that cameras be diverted away from private spaces when not actively engaged in a call for service, as detailed in the "Mitigations" section below.

MITIGATIONS

To safeguard the public's welfare and civil liberties, the Department will implement the following affirmative technical and procedural measures:

- All DFR cameras will be programmed to orient toward the horizon (preventing ground recording) while in transit to a call for service. The camera will only point down upon arrival at the authorized scene.
- All UAS flights are logged, and flight data is auditable. Video data is stored on secure, encrypted servers (Evidence.com) with strict chain-of-custody controls.
- The UAS will not be equipped with facial recognition software or weapons of any kind.
- As required by BMC 2.99 and BMC 2.100, the Department will publish data regarding deployments on an annual basis.
- Information including flight logs and incident type will be published on a publicly accessible transparency portal shortly after the conclusion of a flight, typically within 1 hour after docking.
- The program is subject to review by the Police Accountability Board and approval by the City Council via the Annual Military Equipment Report and the Annual Surveillance Technology Report.

ALTERNATIVES

In the absence of a UAS program, the department would be limited to less effective and more costly

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alternatives. If we were to gain the same level of operational support, we could attempt to increase the amount of officers to match the coverage and responsiveness of aerial support. However that is not feasible at this time due to well established challenges in hiring and training suitable candidates. It would also not address underlying efficiency issues in that ground-based units lack the elevated perspective needed for efficient searches, crowd monitoring, and scene management, and offer reduced capacity to maintain time and distance for de-escalation. This can heighten the potential for confrontational encounters and diminish effectiveness in pursuits or rapidly evolving incidents.

Additionally, taking no action would leave existing operational challenges unaddressed. The department would continue to rely on outside agencies for aerial support, risking delays in critical moments. Without its own UAS capability, the department would forgo enhancements in officer safety and public protection, while falling behind regional peers who have already adopted this widely accepted and increasingly standard public safety tool.

THIRD PARTY DEPENDENCE

All UAS data will be uploaded and stored on Axon's Evidence.com platform in line with existing departmental protocol for evidence collection. Axon complies with the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and Switzerland to the United States (collectively, "Privacy Shield"). Axon has certified to the U.S. Department of Commerce that it adheres to the Privacy Shield Principles.

LEGAL AND PROCEDURAL RULES

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

TRAINING

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

709.16 ROBOTS: RECONROBOTICS SCOUT XT

DESCRIPTION:

Type: ReconRobotics Recon Scout XT

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

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

~~**Lifespan:** Both Recon Scout XT robots are over 10 years old and ReconRobotics have~~

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developed and manufactured more advanced robots. ReconRobotics have stopped manufacturing certain parts for the Recon Scout XT, so the lifespan is dependent on what parts need to be replaced.

Manufacturer's Description: The Recon Scout XT is just eight inches long and weighs just 1.3 lbs., making it extremely easy to carry and throw. Moreover, deploying the Recon Scout XT takes just 5 seconds, and using it requires no special training. Simply pull the activation pin and throw the device through a doorway or over a wall, or drop it down a vertical shaft using a tether. Using a single joystick on the operator control unit (OCU), a tactical team leader or warfighter can then direct the device to move through the environment and send back real-time video. Equipped with an infrared optical system that automatically turns on when the ambient light is low, the Recon Scout XT can transmit video up to 100 feet indoors and 300 feet outdoors, day or night. The Recon Scout XT may also be specified in any of three transmitting frequencies, allowing police and military personnel to operate up to three robots in the same environment at the same time.

PURPOSE AND AUTHORIZED USE:

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

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

FISCAL IMPACT:

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

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

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

Maintenance costs: There are no annual or storage costs.

LEGAL AND PROCEDURAL RULES:

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

TRAINING:

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

709.17 ROBOT: ANDROS REMOTEC HD-1 HAZARDOUS DUTY

DESCRIPTION:

Type: Andros Remotec HD-1 Hazardous Duty Robot

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

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

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

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

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

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- Simultaneous tool mounts for rapid response during dynamic missions (i.e. suits changing needs as the mission unfolds)
- A versatile array of two-way audio, video, advanced sensors, tools and controllers
- Easy maintainability for minimal downtime

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

PURPOSE AND AUTHORIZED USE:

Purpose: The Remotec HD-1 robot is used as a means to approach hazardous situations where a potentially lethal threat such as an explosive device exist. The Remotec HD-1 robot

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allows for the examination and manipulation of an object or potential explosive device without unnecessarily putting a bomb technician's life at risk.

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

FISCAL IMPACT:

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

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

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

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

LEGAL AND PROCEDURAL RULES:

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

TRAINING:

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

709.18 CTS 7290 LIGHT/SOUND DIVERSIONARY DEVICE

DESCRIPTION:

Type: CTS 7290 Diversionary Device

Quantity: The Berkeley Department currently owns and maintains 50.

Capabilities: When a diversionary device is deployed they create a loud noise, heat and brilliant light and create an effective diversion. They can create psychological and physiological effects such as: hearing a loud noise beyond that of everyday living, seeing a short bright light, and feeling of a change in atmospheric pressure. These effects may disorient/confuse subjects for a short time giving tactical teams the ability to apprehend that subject without using a higher level of force.

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

Manufacturer's Description: The CTS 7290 is the standard for diversionary flash-bang devices. The 7290 produces a 165-180 db and 6-8 million candela of light output. The

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patented design of the 7290, incorporates a porting system that eliminates movement of the body at detonation even if the top or bottom of the device should be in contact with a hard surface. In addition, internal adjustments have greatly reduced smoke output.

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

PURPOSE AND AUTHORIZED USE:

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

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

FISCAL IMPACT:

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

Annual cost: See below training cost.

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

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

LEGAL AND PROCEDURAL RULES:

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

TRAINING:

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

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709.19 LONG RANGE ACOUSTIC DEVICE (LRAD)

DESCRIPTION:

Type :The Long Range Acoustic Device (LRAD)

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

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

Lifespan: The lifespan for both LRADs is 25 years.

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

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

PURPOSE AND AUTHORIZED USE:

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

- Communicate lifesaving information to residents during disasters
- Communicate to large crowds during parades, festivals, concerts and sporting events

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- Establish safety zones and perimeters
- Control traffic congestion
- Conduct Special Response Team operations
- Broadcast a dispersal order
- Communicate during hostage and barricaded subject situations
- Announce and serve high risk warrants
- Communicate to protesters
- Communicate to persons threatening suicide who are in an inaccessible location
- Conduct search and rescue operations

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

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

FISCAL IMPACT:

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

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

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

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

LEGAL AND PROCEDURAL RULES:

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

TRAINING:

Training is conducted by members of the Berkeley Police Department who have extensively reviewed the product manual, become knowledgeable and familiar in the operations and procedures of the LRAD. All trainers have proven demonstrated proficiency and competency in the product through hands on training, these trainings are often referred to as a train-the-trainer training.

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709.20 MOBILE COMMAND VEHICLE (MCV)

DESCRIPTION:

Type: The MCV is a 2003 Freightliner MT55

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

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

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

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

PURPOSE AND AUTHORIZED USE:

Purpose: This vehicle may be used as a mobile command post for any larger scaled events or as a communications center in the event the communications center in the Public Safety Building is inoperable. Some examples of large-scale events include Solano Stroll, Juneteenth, 4th of July, critical incidents or natural disasters.

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

FISCAL IMPACT:

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

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

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

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

LEGAL AND PROCEDURAL RULES:

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

TRAINING:

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

709.21 BARRET MODEL 99 RIFLE

DESCRIPTION:

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

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

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

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

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

PURPOSE and AUTHORIZED USE:

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

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

FISCAL IMPACT:

Initial Cost: The Barrett Model 99 50-caliber rifle has a retail cost of approximately \$12,500 dollars. The Department of Justice provided the Barrett rifle to the Berkeley Police Department on 04/04/2007. There was no initial cost related to BPD taking possession of it.

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

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

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

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

LEGAL AND PROCEDURAL RULES:

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

TRAINING:

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

709.22 SUMMIT AMMUNITION .50 CAL BNG ROUNDS (FOR THE BARRETT MODEL 99)

DESCRIPTION:

Type: Summit Ammunition .50 caliber BNG rounds of ammunition

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

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

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

Manufacturer's Description: This is 50 Cal. BMG Summit Ammunition 700gr. M-2 Armor Piercing Ammo. Summit Ammunition has been manufacturing 50 Cal. BMG for over 10 years and they manufacture a premium quality product. They are a fully licensed and insured

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manufacturer. This ammo is loaded with NEW Winchester brass, New USGI powder and Pulled Lake City M-2 AP bullets.

PURPOSE AND AUTHORIZED USE:

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

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

FISCAL IMPACT:

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

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

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

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

LEGAL AND PROCEDURAL RULES:

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

TRAINING:

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

709.23 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The

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military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

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

709.24 COORDINATION WITH OTHER JURISDICTIONS

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

709.24.1 TEMPORARY USE IN EXIGENT CIRCUMSTANCES

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

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

709.25 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

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

709.26 COMMUNITY ENGAGEMENT

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

709.27 MILITARY EQUIPMENT QUESTIONS

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

709.27.1 MILITARY EQUIPMENT COMPLAINTS

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

709.28 ASSOCIATED EQUIPMENT USE POLICIES

The below links will direct to the respective use policies:

[300-Use of Force](#)

[303-Control Devices and Techniques](#)

[349-Tactical Rifle Operator Program](#)

[353-Flash/Sound Diversionary Devices](#)

[354-Precision Rifle Operator Program](#)

[428-First Amendment Assembly](#)

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

[611-Unmanned Aerial System Operations](#)

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

[708-Robot Cameras](#)

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

709.29 COMPLIANCE

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

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

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

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**Policy
1303**

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NEW/EDITED TEXT IN RED

Surveillance Use Policy-Unmanned Aerial System (UAS)

1303.1 PURPOSE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS. Department personnel shall adhere to requirements for Unmanned Aerial Systems covered in this policy as well as the corresponding Use Policy - 611.

1303.2 AUTHORIZED USE

Authorized operators may deploy the UAS in the following circumstances:

1. To provide real-time situational awareness during high-risk or critical incidents, such as barricaded suspects, hostage situations, active shooters, the apprehension of armed and dangerous suspects, the pre-planning and service of a warrant allowing officers to create time and distance to formulate de-escalation strategies, facilitate safe tactical planning, and reduce the need for immediate physical engagement.
2. To assist in locating lost, missing, or injured persons during search and rescue operations.
3. To rapidly respond to calls for service to verify the nature of the incident, potentially determining that a law enforcement response is unnecessary for unfounded reports or low-priority incidents, thereby acting as a resource multiplier and keeping patrol officers available for other calls.
4. To locate fleeing suspects to effectively contain perimeters and reduce the need for dangerous ground-based foot pursuits.
5. To track fleeing vehicles from a safe distance, allowing patrol units to de-escalate or terminate dangerous ground pursuits while maintaining visual contact.
6. To clear interior buildings or confined spaces remotely to prevent potentially violent encounters between officers and hidden suspects.

7. To assist the Fire Department with fire mitigation and suppression, hazardous materials releases, or disaster response and recovery.
8. To remotely inspect potential explosive devices or hazardous objects.
9. To document complex crime scenes, accident scenes, or areas where an aerial perspective is critical for the investigation.
10. To respond to active criminal activity at mass gatherings or special events.
11. To mitigate hazards caused by other UAS interfering with emergency operations.
12. For pilot certification training and maintenance of proficiency.
13. To address other unforeseen exigent circumstances where there is an imminent threat to public safety, provided the deployment is consistent with the general privacy and safety principles of this policy.

1303.3 **PROHIBITED USE**

The UAS shall not be used:

1. To conduct random or arbitrary surveillance activities. This prohibition includes, but is not limited to, first amendment assemblies in accordance with Policy 428 First Amendment Assemblies.
2. To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
3. To harass, intimidate, or discriminate against any individual or group.

Furthermore, the UAS shall not be equipped with:

1. Facial recognition software
2. Biometric analysis capabilities
3. Weapons of any kind, including lethal or non-lethal munitions.

1303.4 **DATA COLLECTION**

Data collection shall be limited to video (visible and infrared) and associated telemetry

(e.g., flight path, altitude) necessary for safe flight operations and situational awareness. The UAS will capture real-time video to assist pilots in navigating safely and assessing authorized scenes. These recordings shall be utilized solely for legitimate law enforcement purposes, including criminal investigations, administrative reviews, and training, in strict accordance with state laws and Department policy.

1303.5 DATA ACCESS

Access to videos shall be limited to authorized personnel with a legitimate law enforcement or administrative need. Any release or access to videos by third parties requires prior authorization and shall be limited to legally authorized agencies or pursuant to a valid court order.

1303.6 DATA PROTECTION

The Department shall implement and maintain comprehensive data security protocols to preserve the integrity, confidentiality, and lawful use of UAS videos. Video recording shall occur only during authorized operations and shall not include continuous or passive surveillance.

1303.7 CIVIL LIBERTIES AND RIGHTS PROTECTIONS

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

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

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

1303.8 DATA RETENTION

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

1303.9 PUBLIC ACCESS

Unauthorized use, duplication, and/or distribution of UAS camera footage is prohibited. Personnel shall not make copies of any UAS camera footage for their personal use and are prohibited from using a recording device such as a personal camera or any secondary video camera to capture UAS camera footage.

All UAS camera footage is property of the Berkeley Police Department and shall not be copied, released or disseminated in any form or manner outside the parameters of established policy, procedure, or laws.

The Custodian of Records, or their designee, will be responsible for handling requests for UAS camera footage.

1303.10 THIRD PARTY DATA SHARING

Pursuant to the Records Maintenance and Release policy, data collected from the UAS may only be shared with other law enforcement agencies on a case-by-case basis in connection with an active investigation, or in response to a lawful judicial warrant or court order in compliance with state and local law.

1303.11 TRAINING

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

1303.12 AUDITING AND OVERSIGHT

Division Captains or their designee shall ensure compliance with this Surveillance Use Policy.

The Office of Strategic Planning and Accountability shall conduct biennial audits of UAS use.

Intentional violation of this policy may serve as grounds for disciplinary action pursuant to the Policy 1010, Personnel Complaints policy.

1303.13 MAINTENANCE

All UAS maintenance shall be conducted by the owner/operator of the device consistent with the manufacturer's specifications and as needed based on UAS usage.

Item 9.c.

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

Items Originally Included in the PAB Meeting Packet of February 11, 2026



MEMORANDUM

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

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

Recommended Action:

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

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

Background:

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

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

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

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

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

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

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

Potential Area(s) of Review:

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

Alternative Actions:

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

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

Attachments:

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

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

Policy/Practice/Procedure Form



Tracking Number ODPa-251120-290305

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

Personal Information

Basic Information

Email [REDACTED]

First Name [REDACTED]

Last Name [REDACTED]

Phone [REDACTED]

File Anonymously Not Specified

Work Telephone [REDACTED]

Mailing Address

Street name [REDACTED]

Apt/Unit [REDACTED]

State [REDACTED]

City [REDACTED]

Zip Code [REDACTED]

Occupation [REDACTED]

Demographics

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

Date of Birth [REDACTED]

Ethnicity Not Hispanic or Latinx

Race White

Gender Male

Incident Details

Statement

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

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

Date of Incident (if applicable) November 19, 2025

Time of Incident (if applicable) 04:32 PM

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

Additional Information

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

See picture below for photo of the event.

Upload Document 1 file(s) uploaded

Incident External Links

Not Specified

How Did You Hear About Us

SEARCH ENGINE



Item 9.d.

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

Items Originally Included in the PAB Meeting Packet of February 11, 2026



MEMORANDUM

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

Background:

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

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

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

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

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

Purpose:

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

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

Current Capacity Assumptions (Planning Baseline)

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

Proposed Hyper-Conservative 2025 Workplan

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

A1. Governance & cadence

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

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

ODPA/PAB will support S3 by:

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

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

ODPA/PAB will support survey development by:

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

Priority Workstream B — Core Oversight Operations (Maintenance Mode)

B1. Investigations and casework (continuous)

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

B2. PAB meeting support (continuous; scaled)

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

B3. Annual Report (required)

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

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

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

C1. Anchor outreach moments (commit now)

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

C2. Additional outreach

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

Roles & Accountability (so this stays executable)

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

Decision Gates (to keep the plan conservative and realistic)

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

Recommended Board Action

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

Item 9.e.

BPD Policy Redlines for BPD Policy 351 - External Fixed
Video Surveillance Cameras

Berkeley Police Department
Law Enforcement Services Manual

External Fixed Video Surveillance Cameras

Policy
351

Berkeley Police Department
Law Enforcement Services Manual

External Fixed Video Surveillance Cameras--- **DRAFT---**

351.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of City of Berkeley external fixed video surveillance cameras by the Berkeley Police Department (BPD).

This policy only applies to fixed, overt, marked external video surveillance systems utilized by the BPD. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department, as authorized by the City Council for use by other City Departments. BPD Personnel shall adhere to the requirements for External Fixed Video Surveillance Cameras covered in this policy as well as the corresponding Surveillance Use Policy -1304.

351.2 POLICY

The Berkeley Police Department utilizes a video surveillance system to enhance its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance safety and security in public areas. As specified by this policy, cameras may be placed in strategic locations throughout the City to record, deter, and solve crimes, to help the City safeguard against potential threats to the public, and to help manage emergency response situations during natural and human-made disasters, among other uses specified in Section 351.3.1.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

351.3 OPERATIONAL GUIDELINES

Only City Council-approved video surveillance equipment shall be utilized. BPD members authorized to review video surveillance may only record and review public areas and public activities where no reasonable expectation of privacy exists and pursuant to Section 351.3.1. The City Manager shall obtain Council approval of any proposed additional locations for the placement and use of video surveillance technology.

351.3.1 PLACEMENT REVIEW AND MONITORING

Camera placement will only occur in locations approved by the City Council and will be guided by this policy and the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City departments when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Berkeley Police Department

Law Enforcement Services Manual

External Fixed Video Surveillance Cameras

Camera placement includes existing cameras such as those located at San Pablo Park, the Berkeley Marina, and cameras placed in Council identified and approved intersections throughout the City, and potential future camera locations as approved by City Council.

Current City Council approved locations:

- 6th Street at University Avenue
- San Pablo Avenue at University Avenue
- 7th Street at Dwight Way
- San Pablo Avenue at Dwight Way
- 7th Street at Ashby Avenue
- San Pablo Avenue at Ashby Avenue
- Sacramento Street at Ashby Avenue
- College Avenue at Ashby Avenue
- Claremont Avenue at Ashby Avenue
- 62nd Street at King Street

The cameras shall only record video images and not sound. Recorded images pursuant to Section 351.5 may be accessed, reviewed, and used for specific criminal or BPD administrative investigations and video surveillance may be accessed and reviewed by authorized BPD personnel for the following purposes:

- (a) To support specific and active criminal investigations.
- (b) To support serious traffic-related investigations.
- (c) To support police misconduct investigations, and
- (d) To respond to and review critical incidents or natural disasters.

Unauthorized recording, viewing, reproduction, dissemination, or retention of video footage is prohibited.

351.3.2 FIXED CAMERA MARKINGS

All public areas monitored by video surveillance equipment shall be marked in a conspicuous manner with unobstructed signs to inform the public that the area is under police surveillance.

351.3.3 INTEGRATION WITH OTHER TECHNOLOGY

~~The Department is prohibited from integrating or accessing system capabilities of the video surveillance system with other systems, such as gunshot detection, automated license plate recognition, facial recognition and other video-based analytical systems. The Department may integrate technologies not otherwise prohibited with the video surveillance system, provided that such use integration does not conflict with this policy or expand internal or external access beyond what is allowed by policy City law or Department policy. For example, integration may occur on a shared access platform where video data and automated license plate reader data are viewable in the same system.~~

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External Fixed Video Surveillance Cameras

351.4 VIDEO SUPERVISION

Access to video surveillance camera data shall be limited to Berkeley Police Department (BPD) personnel utilizing the camera database for uses authorized above, with technical assistance from Public Works Department and Department of Information Technology personnel. Information may be shared in accordance with Sections 351.6 or 1304.9 below. BPD members seeking access to the camera system shall obtain the approval of the Investigations Division Captain, or their designee.

Supervisors should monitor video surveillance access and usage to ensure BPD members are complying with this policy, other applicable department policy, and applicable laws. Supervisors should ensure such use and access is appropriately documented.

351.4.1 VIDEO LOG

No one without authorization will be allowed to login and view the recordings. Those who are authorized and login should automatically trigger the audit trail function to ensure compliance with the guidelines and policy.

351.4.2 PROHIBITED ACTIVITY

Video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Video surveillance systems shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.

Video surveillance systems and recordings are subject to the Berkeley Police Department's Immigration Law Policy, and hence may not be shared with federal immigration enforcement officials, unless required by federal law.

Video recordings shall not be disclosed to law enforcement agencies from other states if the purpose of the request is to support the enforcement of laws that restrict or criminalize reproductive rights or rights regarding the provision or receipt of gender-affirming care.

351.5 STORAGE AND RETENTION OF MEDIA

Video surveillance recordings are not government records pursuant to California Government Code 34090 in and of themselves. Except as otherwise permitted in this section, video surveillance recordings shall be purged within one hundred and eighty (180) days of recording. Recordings of incidents involving use of force by a police officer or involving, detentions, arrests, or recordings relevant to a formal or informal complaint against a sworn police officer shall be retained for a minimum of two years and one month. Recordings relating to court cases and complaints against BPD sworn officers that are being adjudicated will be manually deleted at the same time other evidence associated with the case is purged in line with the Department's evidence retention policy. Any recordings related to a police misconduct investigation shall be maintained until such matter is fully adjudicated, at which time it shall be deleted in line with the Department's evidence

Berkeley Police Department

Law Enforcement Services Manual

External Fixed Video Surveillance Cameras

retention policy, and any applicable orders from the court.

Any recordings needed as evidence in a criminal or police misconduct proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

351.5.1 EVIDENTIARY INTEGRITY

All media downloaded and retained pursuant to this Policy shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

351.6 RELEASE OF VIDEO IMAGES

Data collected and used in a police report shall be made available to the public in accordance with department policy and applicable state or federal law, also referenced in Policy 1304.8.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records pursuant to Policy 804, Records Maintenance and Release.

Requests for recorded video from other law enforcement agencies shall be referred to the Investigations Division Captain, or their designee for release in accordance with this policy and must be related to a specific active criminal investigation.

Requests for recorded video from the Office of Director of Police Accountability and Police Accountability Board shall be referred to the Investigations Division Captain, or their designee, for release in accordance with Charter Article XVIII, Section 25, Subdivision (20)(a).

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

The Chief of Police will report any request from federal immigration authorities, vendor, or any non-local agency to access data for federal immigration enforcement purposes within 10 days of receiving the request.

In the event a Federal Agency is given BPD-owned data stored with Flock, the Berkeley Police Chief or designee will notify the City Manager, City Attorney, and City Council within 72 hours of the discovery of the incident.

351.7 VIDEO SURVEILLANCE AUDIT

The video surveillance software generates a site log each time the system is accessed. The site log is broken down by server, device, user or general access. The site log is kept on the server for two years and is exportable for reporting. System audits will be conducted by the Office of Strategic Planning and Accountability (OSPA) on a regular basis, at least biennial. As part of the audit, OSPA will confirm that BPD does not enter any direct data sharing agreements or give direct access to outside agencies. A log of any instance of when surveillance footage has been shared, including date, time, reasons for search, and any recipient agencies

Berkeley Police Department

Law Enforcement Services Manual

External Fixed Video Surveillance Cameras

BPD will enforce against prohibited uses of the cameras pursuant to Policy 1010, Personnel Complaints, or other applicable law or policy. The City Manager shall enforce against any prohibited use of cameras and/or access to data by other City of Berkeley personnel.

The audit shall be documented in the form [of](#) an internal department memorandum to the Chief of Police. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Chief of Police, the memorandum and any associated documentation shall be published on the City of Berkeley website in an appropriate location, and retained within the Office of Strategic Planning and Accountability.

351.8 TRAINING

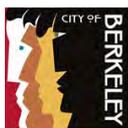
All department members authorized to operate or access video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, associated software, and review of relevant policies and procedures, including this policy, as well as review of relevant City of Berkeley laws and regulations. Training should also address state and federal law related to the use of video surveillance equipment and privacy. All relevant recordings that are will be collected pursuant to Policy 802, Property and Evidence, and retained pursuant to Policy 804, Records and Maintenance.

351.9 MAINTENANCE

It shall be the responsibility of the Public Works Director to facilitate and coordinate any updates and required maintenance, with access limited to that detailed in the City Manager's promulgated policies.

Item 9.f.

District 1 Councilmember Rashi Kesarwani's Report Titled
"Resolution Rescinding Resolution No. 51,408-N.S.
Restricting the Use of Air Support and Canine Units And
Updating Mutual Aid Policies"



Rashi Kesarwani
Councilmember District 1

CONSENT CALENDAR
December 2, 2025

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

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

RECOMMENDATION

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

CURRENT SITUATION AND ITS EFFECTS

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

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

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

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

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

BACKGROUND

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

PROPOSED CHANGES AND RATIONALE FOR RECOMMENDATION

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

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

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

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

FISCAL IMPACTS

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

CONTACT PERSON

Rashi Kesarwani, Councilmember, District 1

(510) 981-7110

ATTACHMENTS

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

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

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

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

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

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

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

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

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

Page 6 of 7

RESOLUTION NO. 51,408 -N.S.

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

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

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

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

a. To apprehend suspects

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

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

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

b. To locate missing persons; or

c. To locate crime scenes.

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

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

a. To assist in case of a disaster; or

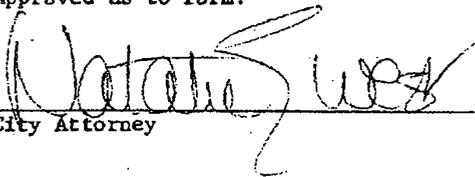
b. To assist in rescue efforts (specifically excluding the rescue of hostages); or

1.

c. To assist in locating missing persons.

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

Approved as to form:



City Attorney

Off-Agenda 1
Policy Review Status Updates

Updated February 20, 2026



POLICY REVIEW STATUS REPORT

Guiding Authority

Section 125(3)(a)(1) and Section 125(17)(a) of the Berkeley City Charter¹

Case Load Overview

As of February 20, 2026, the Police Accountability Board (PAB) has six (6) policy reviews currently open. Since the PAB's February 11, 2026 meeting, the Office of the Director of Police Accountability (ODPA) has received one (1) policy complaint. That complaint is under review and is scheduled to be presented to the PAB on March 11, 2026.

Policy Review Number	2023-PR-0007 ²
Policy Topic	Restraining Orders & Interactions with the Elderly
Relevant Policy	BPD Policy 313 "Senior and Disability Victimization" BPD Policy 430 "Civil Disputes"
Status	Review In Progress; Records Obtained
Date Presented to the PAB	7/24/2024
Anticipated Completion	March 2026
Assigned To	ODPA
Summary	
The complainant reports ongoing disturbances, harassment, and restraining order violations by a neighbor's caretaker, raising concerns about enforcement by the Berkeley Police Department. This policy review will examine BPD's handling of interactions with elder adults and its practices regarding restraining orders, as the	

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

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

Updated February 20, 2026

complainant indicates possible misunderstandings of order terms. Despite multiple encounters and existing orders, the complainant reports continued issues with enforcement.

Activity Report

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

Policy Review Number	2023-PR-0008
Policy Topic	Off-Duty Conduct
Relevant Policy	BPD Policy 321 "Standard of Conduct" BPD Policy 401 "Fair and Impartial Policing" BPD Policy 344 "Off-Duty Law Enforcement Actions"
Status	Review in Progress; Assigned to Policy Review Subcommittee
Date Presented to the PAB	10/11/2023
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB – Assigned to Policy Review Subcommittee

Summary

The complainant expresses concerns about off-duty police officers exhibiting harmful behavior and recommends improving the Police Accountability Board's oversight of off-duty conduct, including anti-racist hiring practices, stronger discipline measures, and increased transparency on racial profiling. They highlighted relevant policies and noted that the PAB is considering a subcommittee dedicated to off-duty law enforcement actions.

Activity Report

Evaluating potential referrals to subcommittee or PAB members.

Policy Review Number	2024-PR-0008
Policy Topic	Records Retention
Relevant Policy	BPD Policy 804 "Record Maintenance and Release"
Status	Open
Date Presented to the PAB	1/8/2025
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA

Summary

The ODPA received a complaint regarding BPD's inability to provide past officer rosters in response to a PRA request, as the records are no longer maintained. The

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complainant recommended that BPD adopt a policy to retain and provide such rosters upon request.

Activity Report

ODPA staff are currently reviewing relevant materials in preparation for a future presentation to the PAB.

Policy Review Number	2025-PR-0001
Policy Topic	Contact Between Complaint Subject Officer and Complainant During Calls for Service
Relevant Policy	BPD Policy 1004 "Anti-Retaliation" BPD Policy 1010 "Personnel Complaints"
Status	Open
Date Presented to the PAB	02/19/2025
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB Member w/ Support of ODPA

Summary

The Complainant reported two interactions with BPD in January 2025, involving officers who were either subjects of their prior complaints to the PAB or involved in other litigation. They expressed concerns about potential retaliation or bias, believing they should not interact with officers they had previously filed complaints against.

Activity Report

Board Member Calavita updated the PAB during its regular meeting on April 23, 2025. Policy Analyst Murillo and Board Member Calavita will collaborate to draft potential language and consult with BPD about feasibility and any potential concerns. ODPA Staff drafted and forwarded that request on May 12, 2025 and is awaiting a response.

Policy Review Number	2025-PR-0004
Policy Topic	Public Recording of Police Activity
Relevant Policy	BPD Policy 426 "Public Recording of Police Activity"
Status	Open
Date Presented to the PAB	6/25/2025
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB Member w/ Support of ODPA

Summary

The Complainant expressed concerns with the Berkeley Police Department's General Order D-2, "Public Recording of Police Activity," (now BPD Policy 426) following an

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incident on June 4, 2025, in which they allege they were physically prevented by three officers from observing and documenting police activity at 8th and Harrison Street. The Complainant argues that the policy fails to clearly affirm the First Amendment rights of onlookers and does not adequately direct officers to limit the use of “police lines” to situations where such restrictions are necessary for officer safety or to protect the integrity of an investigation.

Activity Report

Board Member Calavita reviewed BPD Policy 426 and identified sections that may merit closer examination. ODPa staff is providing support by comparing policies from other jurisdictions and researching best practices.

Policy Review Number	2025-PR-0005
Policy Topic	Encampment Clearing Operations
Relevant Policy	Practice and procedure review
Status	Open
Date Presented to the PAB	6/25/2025
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB Subcommittee

Summary

The Complainant raised concerns about a June 4, 2025, multi-department operation at an encampment on 8th and Harrison Streets, alleging excessive force, improper use of less-lethal weapons, suppression of public observation, and lack of notice to residents in violation of due process. They further argued that accountability should extend beyond individual officers to command staff who design and authorize operational plans, and recommended the PAB adopt policies creating a new category of misconduct for such leadership decisions.

Activity Report

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

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

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

Off-Agenda 2

Legislative Updates Relevant to the PAB's Work

Public



MEMORANDUM

Date: February 20, 2026
To: Honorable Members of the Police Accountability Board
From: Jose Murillo, Acting Director of Police Accountability *JM*
 Syed Mehdi, ODPa Data Analyst
Subject: Legislative Updates

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

State Legislative Updates¹

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

NAME OF LEGISLATION	STATUS	SUMMARY/PURPOSE
<u>SB 385 “Peace Officers”</u>	<i>(Passed) 2025-10-01 - Chaptered by Secretary of State. Chapter 218, Statutes of 2025.</i>	This bill, SB 385, requires peace officers hired on or after January 1, 2029, to obtain a modern policing degree or a bachelor's or advanced degree from an accredited institution within 36 months of employment. It builds on existing certification and educational requirements and takes effect immediately as an urgency statute.
<u>AB 572 “Criminal Procedure: Interrogations”</u>	<i>(Passed) 2025-10-13 - Chaptered by Secretary of State - Chapter 697, Statutes of 2025.</i>	AB 752 required law enforcement officers to clearly identify themselves and provide specified information before interviewing family members of individuals who have been killed or seriously injured by police.

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

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

		<p>entities to maintain confidentiality and allowing them to meet in closed session to review the records. It would also incorporate additional changes to Penal Code Section 832.7 if AB 1178 or AB 1388 are enacted and this bill is enacted last.</p>
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Additional legislation pertaining to public safety in the state of California may be monitored here: <https://legiscan.com/CA/legislation> . ODPa staff will continuously monitor new legislation and update the PAB throughout the year.

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

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

Berkeley City Council & Council Committee Meeting Updates

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

Upcoming City Council Meetings

[February 23, 2026, Agenda and Rules Committee Meeting](#)

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

Item No.	Title	Recommendation
<p>5</p>	<p>Resolution Rescinding Berkeley Police Department’s Pepper</p>	<p>Adopt a Resolution rescinding Berkeley Police Department’s current required notification process for reporting pepper spray via the Berkeley Police Department Use of Pepper Spray</p>

Public

	Spray Reporting Requirement	Report after each incident. Further, maintain the recording of pepper spray use within the existing use of force reporting system to minimize the administrative burden on staff. The department's current transparency measures already provide the public with detailed data on all use of force incidents.
7	The Berkeley Rule: Artificial Intelligence Municipal Framework	Note: This language is paraphrased. Adopt a resolution affirming the City of Berkeley's commitment to innovation in service of liberty, dignity, and the public good, and endorse "The Berkeley Rule," encouraging City staff, commissions, and community partners to consider its ten principles, including putting residents first, modernizing City services, empowering the community, ensuring transparency and accountability, standardizing operations, certifying ethical use, protecting and preparing the workforce, defending civil liberties, promoting social advancement and accessibility, and catalyzing civic wealth, in the planning, evaluation, and oversight of artificial intelligence (AI) systems, thereby encouraging the AI industry to develop products and services aligned with these goals.

February 23, 2026 City Council Special Meeting

Item No.	Title	Recommendation
1	Motion to Designate City's Labor Negotiators Under Gov. Code Section 54957.6: Appoint Labor Negotiator for Negotiation of Employment Agreement with Interim Director of Police Accountability	Authorize Mayor Adena Ishii to negotiate employment agreements and any amendments, including terms regarding compensation, with the selected candidate for the City's Interim Director of Police Accountability.
2 (Closed Session)	Public Employee Appointments Pursuant to Government Code Section 54957(b)(1) Title of position to be filled: Interim Director of Police Accountability	No recommendation noted.
3 (Closed Session)	Public Employee Appointments Pursuant to	No recommendation noted.

Public

	Government Code Section 54957(b)(1) Title of position to be filled: Director of Police Accountability	
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February 24, 2026 City Council Regular Meeting

Item No.	Title	Recommendation
11	<u>Rescission and replacement of the Police Equipment and Community Safety Ordinance</u>	Adopt second reading of Ordinance No. 8,001-N.S. to rescind and replace Ordinance 7760-N.S. the Police Equipment and Community Safety Ordinance (enacted May 11, 2021)
21	<u>City of Berkeley's 2026 State and Federal Legislative Platform</u>	Adopt a resolution approving the City of Berkeley's 2026 State and Federal Legislative Platform

Off-Agenda 3
2026 PAB Meeting Calendar

2026 PAB MEETING CLENDAR

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*PAB Nominations and Election of Chair and Vice Chair

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*Annual Report to be presented in March

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NACOLE from 11/8-11/12

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

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