



**POLICE ACCOUNTABILITY BOARD  
REGULAR MEETING AGENDA**

**Wednesday, October 25, 2023  
6:30 P.M.**

Board Members

John Moore III (Chair)  
Kitty Calavita  
Leah Wilson  
Joshua Cayetano

Regina Harris (Vice-Chair)  
Julie Leftwich  
Brent Blackaby

**MEETING LOCATION**

North Berkeley Senior Center  
1901 Hearst Avenue  
Berkeley, CA 94709  
([Click here for Directions](#))

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# **HEALTH AND SAFETY PROTOCOLS FOR IN-PERSON MEETINGS OF BERKELEY BOARDS AND COMMISSIONS**

# **Health and Safety Protocols for In-Person Meetings of Berkeley Boards and Commissions February 2023**

The policy below applies to in-person meetings of Berkeley Boards and Commissioners held in accordance with the Government Code (Brown Act) after the end of the State-declared emergency on February 28, 2023.

**Issued By:** City Manager's Office

**Date:** February 14, 2023

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## **I. Vaccination Status**

All attendees are encouraged to be fully up to date on their vaccinations, including any boosters for which they are eligible.

## **II. Health Status Precautions**

For members of the public who are feeling sick, including but not limited to cough, shortness of breath or difficulty breathing, fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell, it is recommended that they do not attend the meeting in-person as a public health precaution. In these cases, the public may submit comments in writing in lieu of attending in-person.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they are advised to wear a well-fitting mask (N95s, KN95s, KF94s are best), test for COVID-19 3-5 days from last exposure, and consider submitting comments in writing in lieu of attending in-person.

Close contact is defined as someone sharing the same indoor airspace, e.g., home, clinic waiting room, airplane, etc., for a cumulative total of 15 minutes or more over a 24-hour period within 2 days before symptoms of the infected person appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment).

A voluntary sign-in sheet will be available at the meeting entry for in-person attendees. This will assist with contact tracing in case of COVID-19 contact resulting from the meeting.

Members of City Commissions are encouraged to take a rapid COVID-19 test on the day of the meeting.

# **Health and Safety Protocols for In-Person Meetings of Berkeley Boards and Commissions February 2023**

### **III. Face Coverings/Mask**

Face coverings or masks that cover both the nose and mouth are encouraged for all commissioners, staff, and attendees at an in-person City Commission meeting. Face coverings will be provided by the City and available for attendees to use at the meeting. Members of Commissions, city staff, and the public are encouraged to wear a mask at all times, except when speaking publicly from the dais or at the public comment podium, although masking is encouraged even when speaking.

### **IV. Physical Distancing**

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. Capacity limits will be posted at the meeting location. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as “distanced seating” to accommodate persons that need to distance for personal health reasons.

Distancing will be implemented for the dais as space allows.

### **V. Protocols for Teleconference Participation by Commissioners**

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for Commissioners participating remotely due to an approved ADA accommodation. For Commissioners participating remotely, the agenda must be posted at the remote location, the remote location must be accessible to the public, and the public must be able to participate and give public comment from the remote location.

- A Commissioner at a remote location will follow the same health and safety protocols as in-person meetings.
- A Commissioner at a remote location may impose reasonable capacity limits at their location.

### **VI. Hand Washing/Sanitizing**

Hand sanitizing stations are available at the meeting locations. The bathrooms have soap and water for handwashing.

### **VII. Air Flow/Circulation/Sanitizing**

Air filtration devices are used at all meeting locations. Window ventilation may be used if weather conditions allow.

**OCTOBER 25, 2023  
REGULAR MEETING AGENDA**



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Brent Blackaby

**MEETING LOCATION**

North Berkeley Senior Center  
1901 Hearst Avenue  
Berkeley, CA 94709  
([Click here for Directions](#))

**PUBLIC NOTICE**

The PAB has resumed in-person meetings and encourages community members to attend in person. Community members attending in person should observe the “Health and Safety Protocols for In-person Meetings of Berkeley Boards and Commissions” as outlined by the City of Berkeley.

\*\*\*The PAB acknowledges that physical attendance may not be feasible for all community members. To this end, the Office of the Director of Police Accountability (ODPA) has been exploring the option of allowing for remote participation at the PAB meetings. Please note that the ODPA and PAB are in the early stages of implementing this hybrid meeting format so there is a possibility for technical glitches and errors. Your patience and understanding are greatly appreciated. \*\*\*

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/82653396072>. 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 **826 5339 6072**. 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.*

- 4. APPROVAL OF MINUTES (5 MINUTES)**
  - a. Minutes for the Regular Meeting of October 11, 2023
- 5. ODPa STAFF REPORT (10 MINUTES)**

Announcements, updates, and other items.

- Celebration of 50 years of civilian oversight in Berkeley (Tentative Dates & Location)

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

Announcements, updates, and other items.



**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 scheduling for all subcommittees, possible appointment of new members to all subcommittees, and additional discussion and action as noted for specific subcommittees:

- a. Policy and Practices relating to the Downtown Task Force and Bike Unit Allegations (Chair: Calavita)
  - i. Status Updates
  - ii. Next Steps
- b. Fair and Impartial Policing (Chair: Calavita)
  - i. Status Updates
  - ii. Next Steps

**9. NEW BUSINESS (45 MINUTES)**

- a. Discussion and Action on the PAB-ODPA Annual Report (45 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.*

**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):

Case Updates Regarding Complaints Received by the ODPa:

- a. 2023-CI-0001

- 
- b. 2023-CI-0003
  - c. 2023-CI-0004
  - d. 2023-CI-0006
  - e. 2023-CI-0007
  - f. 2023-CI-0008
  - g. 2023-CI-0009
  - h. 2023-CI-0010
  - i. 2023-CI-0011
  - j. 2023-CI-0012
  - k. 2023-CI-0013
  - l. 2023-CI- 0014

**END OF CLOSED SESSION**

**12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS (1 MINUTE)**

**13. ADJOURNMENT (1 MINUTE)**

### **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 1947 Center Street, 5th Floor, Berkeley, CA.

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

1947 Center Street, 5<sup>th</sup> Floor, Berkeley, CA 94704

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

Website: [www.cityofberkeley.info/dpa/](http://www.cityofberkeley.info/dpa/) Email: [dpa@cityofberkeley.info](mailto:dpa@cityofberkeley.info)

# **MINUTES FOR APPROVAL**



**POLICE ACCOUNTABILITY BOARD**  
REGULAR MEETING AGENDA  
**Wednesday, October 11, 2023**  
**6:30 P.M.**

**Board Members**  
John Moore III. (Chair)      Regina Harris (Vice-Chair)      Kitty Calavita  
Julie Leftwich              Leah Wilson                      Brent Blackaby

**MEETING LOCATION**

North Berkeley Senior Center  
1901 Hearst Avenue  
Berkeley, CA 94709  
([Click here for Directions](#))

Meeting Recording: <https://youtu.be/vOgKPAi6wOM?si=4LdtHaMm-nRVMu6U>

**Minutes**

**1. CALL TO ORDER AND ROLL CALL AT 6:30 PM**

- Present:** Board Member John Moore (Chair)  
Board Member Kitty Calavita\*  
Board Member Juliet Leftwich  
Board Member Brent Blackaby  
Board Member Joshua Cayetano
- Absent:** Board Member Regina Harris (Vice-Chair)  
Board Member Leah Wilson
- ODPA Staff:** Hansel Aguilar, Director of Police Accountability  
Jayson Wechter, Investigator
- BPD Staff:** Chief Jen Louis
- CAO Staff:** Stephen Hylas, Deputy City Attorney
- CMO Staff:** Carianna Arredondo, Assistant to the City Manager

**Motion to allow just cause remote participation to Board Member Calavita.**

Moved/Second (Moore/Leftwich) Motion Carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, and Moore. Noes: None.

Absent: Harris, Wilson

## 2. APPROVAL OF AGENDA

**Motion to approve the agenda.**

Moved/Second (Leftwich/Blackaby) Approved by unanimous consent.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, and Moore. Noes: None.

Absent: Harris, Wilson

## 3. PUBLIC COMMENT

1 Physically Present

1 Virtually Present

## 4. ADMINISTERING OATH OF OFFICE & CONFIDENTIALITY TO NEWLY APPOINTED BOARD MEMBER

Director Aguilar administers the Oath of Office & Confidentiality to Newly Appointed Board Member Cayetano.

## 5. APPROVAL OF MINUTES

### a. **Motion to approve the meeting minutes for the special meeting of September 14, 2023.**

Moved/Second (Blackaby/Leftwich)

Ayes: Blackaby, Calavita, Cayetano, Leftwich, and Moore. Noes: None.

Absent: Harris, Wilson

### b. **Motion to approve the meeting minutes for the regular meeting of September 27, 2023.**

Moved/Second (Blackaby/Leftwich)

Ayes: Blackaby, Calavita, Cayetano, Leftwich, and Moore. Noes: None.

Absent: Harris, Wilson

### c. **Motion to approve the meeting minutes for the special meeting of September 27, 2023.**

Moved/Second (Blackaby/Leftwich)

Ayes: Blackaby, Calavita, Cayetano, Leftwich, and Moore. Noes: None.

Absent: Harris, Wilson

## 6. ODPa STAFF REPORT

Director Aguilar provides updates on training opportunities for Board members and introduces new staff.

## 7. CHAIR AND BOARD MEMBERS' REPORTS

Chair Moore encourages Board Members to attend NACOLE as it is a great learning opportunity. He recognizes the new members of the Board and their commitment to the work. Board Member Blackaby thanks BPD staff who supported his ride along the previous week.

## 8. CHIEF OF POLICE'S REPORT

Chief Louis reports on community-relevant cases, provides staffing updates, offers updates on new BPD training, and addresses updates related to PAB requests.

## 9. SUBCOMMITTEE REPORTS

- a. Policy and Practices relating to the Downtown Task Force and Bike Unit Allegations (Chair: Calavita)  
Board member Calavita provides a status update on the subcommittee's work. The subcommittee hopes to bring forth a report on their findings before the end of the year.
- b. Fair and Impartial Policing (Chair: Calavita)  
Board member Calavita provides a status update on the subcommittee's work. The subcommittee hopes to bring forth a report soon reviewing the implementation of the Fair and Impartial Policing recommendations.

## 10. OLD BUSINESS

- a. Presentation of New Policy Complaint 2023-PR-0005

Policy Complaint 2023-PR-0005 is presented to the Board. The complainant addresses the Board and the BPD provides comments.

### **Motion to defer acceptance of the Policy Complaint 2023-PR-0005 and instruct ODPa staff to further look into the issue.**

Motion/Second (Leftwich/Moore) Motion carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, and Moore. Noes: None.

Absent: Harris, Wilson

## 11. NEW BUSINESS

- a. Presentation of new policy complaints
  - i. Policy Complaint Number 2023-PR-0006

Policy Complaint 2023-PR-0006 is presented to the Board. The complainant addresses the Board and the BPD provides comments.

**Motion to assign Policy Complaint 2023-PR-0006 to Chair Moore to further look into the complaint and report back to the Board.**

Motion/Second (Moore/Leftwich) Motion Carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, and Moore. Noes: None.

Absent: Harris, Wilson

ii. Policy Complaint Number 2023-PR-0007

**Motion to defer Policy Complaint Number 2023-PR-0007 pending the personnel complaint investigation.**

Motion/Second (Moore/Blackaby) Motion Carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, and Moore. Noes: None.

Absent: Harris, Wilson

iii. Policy Complaint Number 2023-PR-0008

**Motion to accept Policy Complaint Number 2023-PR-0008 and assign it to Board member Cayetano.**

Motion/Second (Blackaby/Leftwich) Motion Carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, and Moore. Noes: None.

Absent: Harris, Wilson

b. Discussion and Action Regarding the Creation of a New Subcommittee for the Review of Off-Duty Conduct Policy

After the acceptance of policy complaint 2023-PR-0008, the Board defers the creation of this subcommittee.

**12. PUBLIC COMMENT (TBD)**

1 Physically present speakers.

0 Virtually present speakers.

**13. CLOSED SESSION at 8:00 PM**

<b>CLOSED SESSION ITEMS</b>
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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):

Case Updates Regarding Complaints Received by the ODPa

Regarding Items 13.a. – 13.l.:

Director Aguilar provides case updates to the Board including the presentation of findings and newly accepted complaints.

**END OF CLOSED SESSION**

**14. ANNOUNCEMENT OF CLOSED SESSION ACTIONS**

Chair Moore announces the closed session actions.

**15. ADJOURNMENT**

**Motion to adjourn.**

Moved/Second (Leftwich/Blackaby) The meeting was adjourned at 9:54 P.M by unanimous consent.

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Minutes Approved on: \_\_\_\_\_

Hansel Aguilar, Commission Secretary: \_\_\_\_\_

# **LIST OF CURRENT PAB SUBCOMMITTEES**



**SUBCOMMITTEES LIST  
10-19-2023**

<b>Subcommittee</b>	<b>Board Members</b>	<b>Chair</b>	<b>BPD Reps</b>
<b>Regulations</b> Formed 7-7-21 Renewed 6-7-2023	Calavita Leftwich  <u>Public members:</u> Kitt Saginor		Lt. Dan Montgomery
<b>Fair &amp; Impartial Policing Implementation</b> Formed 8-4-21 Renewed 6-7-2023	Calavita Wilson  <u>Public members:</u> George Lippman	Calavita	Sgt. Peter Lee
<b>Surveillance Technology Policy</b> Formed 6-7-2023	Calavita Moore		
<b>Policy and Practices relating to the Downtown Task Force and Bike Unit Allegations</b> Formed 11-15-22	Calavita Moore		
<b>Body-Worn Camera Policy</b> Formed 03-15-23	Harris Leftwich	Harris	
<b>Conflict of Interest</b> Formed 03-29-23	Leftwich Moore	Leftwich	

# **DRAFT OF PAB-ODPA 2021-2022 ANNUAL REPORT**

CITY OF BERKELEY  
OFFICE OF THE DIRECTOR OF POLICE  
ACCOUNTABILITY



POLICE ACCOUNTABILITY BOARD

**ANNUAL REPORT  
2022**



**2022**

1947 CENTER STREET, 5TH FLOOR  
BERKELEY, CA 94704

[HTTPS://BERKELEYCA.GOV/SAFETY-HEALTH/POLICE-ACCOUNTABILITY](https://berkeleyca.gov/safety-health/police-accountability)



**Mayor**

Jesse Arreguin

**City Council**

Rashi Kesarwani, District 1  
Terry Taplin, District 2  
Ben Bartlett District 3  
Kate Harrison, District 4

Sophie Hahn, District 5  
Susan Wengraf, District 6  
Rigel Robinson, District 7  
Mark Humbert, District 8

**City Manager**

Bedwendolyn Deshawn Williams-Ridley

**Berkeley Police Department**

Jennifer Louis, Chief of Police

**Police Accountability Board Members during 2022<sup>1</sup>**

John Moore, Chair  
Regina Harris, Vice-Chair  
Kitty Calavita  
Juliet Leftwich  
Deborah Levine  
Cheryl Owens

**Office of the Director of Police Accountability Staff Members during 2022**

Hansel Alejandro Aguilar, Director of Police Accountability  
Jose De Jesus Murillo, Policy Analyst  
Beneba Thomas, Investigator  
Maritza Martinez, Office Specialist

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<sup>1</sup> Additional members of the PAB include:

- Michael Chang- served from June 2021-Aug 2022 before resigning to serve as a City of Berkeley School Board elected official.
- Nathan Mizell- served from June 2021- Dec 2022 before resigning to serve as a City of Berkeley Rent Board elected official.
- Ismail Ramsey- served from June 2021- February 2023 before resigning to become the USAO for Northern California.



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## **Message from the Director of Police Accountability**

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Dear Residents of Berkeley,

I write to you as the first permanent Director of Police Accountability in the City of Berkeley, a role I hold with deep honor and a strong sense of duty. It is my privilege to lead an office entrusted with the vital task of ensuring that our police department operates in an accountable, transparent, and just manner.

Upon stepping into this position, one of my primary responsibilities was to initiate an organizational needs assessment for the newly established Office of the Director of Police Accountability. This critical step involved conducting a thorough examination of the complex patterns and trends within our community. This invaluable analysis has provided us with a profound understanding of our city's distinct dynamics and has laid the foundation for crafting a sustainable strategic plan.

Our primary goal is to enhance police accountability, thereby fostering a safer, more equitable environment for all Berkeley residents. This journey requires dedication and collaboration from both our dedicated team and the community we proudly serve.

The community's unwavering commitment to advancing civilian oversight in Berkeley has played an instrumental role in our success. Your tireless advocacy and steadfast dedication to the principles of accountability and justice have had a profound and lasting impact. I extend my heartfelt gratitude to all community members who have generously contributed their time and expertise, serving as commissioners, board members, subcommittee volunteers, and staff.

Our collective efforts have been instrumental in ensuring that we remain on the path of progress and justice. As we navigate the complexities of police oversight in Berkeley, we continue to work towards a future where all residents are treated with the dignity and respect they deserve. In the following pages of this annual report, we will delve into the various aspects of our work and our commitment to improving police accountability and community safety. Together, we are building a brighter and more just future for the City of Berkeley.

## **Message from the Chair of the Police Accountability Board**

To the City and Community of Berkeley,

The Berkeley Police Accountability Board (PAB) presents its 2022 Annual Report. This report will reference the PAB's achievements, our state of collaboration with the Berkeley Police and the Berkeley Police Association; as well as, our goals and priorities for 2023 as they pertain to providing effective accountability and transparency to our community.

The 2022 year for the fledgling Police Accountability board can be best described as a time of institutional change and transition for all stake holders who have proclaimed their dedication to Police oversight and reimagining policing in the city of Berkeley. Our Board has been evolving as members, support staff, and our role with the police department, the police union and city government take shape.

The transition from the PRC to the PAB is complete. The PAB in 2022, was provided independent support from the newly revamped Office of the Director of Police Accountability. The new Director Hansel Aguilar, has employed expert support staff and secured additional funding. The PAB has completed and presented our permanent regulations to CAO, Berkeley Police and the Berkeley Police Association.

The PAB is committed to working with all stakeholders to provide the transparency and accountability that the voters secured through measure ii. The PAB has spent the last year looking to be incorporated into the city government structure as directed by the city charter. We have asked to be included and incorporated in matters concerning oversight and have struggled to gain access to documents and other forms of evidence to enhance and reinforce our work.

In 2023, PAB looks to make clear our role within city government and police accountability of the city. The goal of the PAB is to work closely with the Berkeley Police and its union to create a dialogue before both bodies take further legal action. We hope to have the Office of the Director of Police Accountability fully staffed. In 2023 it is our goal to have all areas of city government understand and have protocols in place to meet the needs of the PAB. I look forward to working with city government and the community to make sure the PAB is given the access and support to make the PAB a national model for cooperation and collaboration.

## Meet the Police Accountability Board

The Police Accountability Board (Board or PAB) is comprised of nine members. Each member was nominated by the Mayor or a City Councilmember and approved by the full Council. Board members are residents of the City of Berkeley, at least 18 years old, who have pledged to be fair-minded and objective, with a demonstrated commitment to community service. The first group of Board members were appointed to their roles in July 2021.

### The Board members

#### **John E. Moore III | Chair**

July 2021 – Present



John "Chip" Moore is a community organizer, entrepreneur, and advocate for equity in the emerging cannabis industry. He is currently serving as the Chair of the Police Accountability Board since October 2022. Moore founded 4&20 Blackbirds, an award-winning premier cannabis boutique retail delivery service provider, where he gained expertise in the existing cannabis landscape. As cannabis legalization became imminent, Moore became a well-known advocate for true equity in the emerging cannabis industry, drawing on his experience as a community organizer. He has been featured as a cannabis business expert by BET, VICE News, Comedy Central, The East Bay Express, and The SF Chronicle. In addition to his work in the cannabis industry, Moore also serves on Berkeley's Planning Commission, and he is the Chair of The Berkeley Democratic Caucus. Moore's experience in community organizing, entrepreneurship, and advocacy make him a valuable leader in the Police Accountability Board.

#### **Regina Harris | Vice Chair**

July 2021 – Present



Regina Harris is the Vice Chair of the Police Accountability Board since January 2022 and is a retired Law Enforcement professional. She began her career as a Public Safety Dispatcher at the Oakland Police Department, rising through the ranks to become the Communications Divisions Manager, where she developed programs that enhanced department efficiency and effectiveness. Harris is also an experienced educator, having served as an Adjunct Professor at Merritt Jr. College and earned a B.S. in Criminal Justice Management at Union Institute and University. Her extensive experience in law enforcement, combined with her background in communication and

technology, and her passion for justice, make her a valuable leader in the fight for police accountability and community safety.

**Kitty Calavita | Board Member**

July 2021 – Present



Kitty Calavita is a Board Member of the Police Accountability Board since its inception in 2021 and has been living in Berkeley for 12 years, having moved from San Diego to be close to her grandchildren. She earned a Ph.D. in Sociology from the University of Delaware, specializing in law and criminology, and spent most of her academic career at the University of California Irvine in the Department of Criminology, Law, and Society. Calavita is currently Chancellor’s Professor Emerita at UC Irvine and Distinguished Affiliate at the Center for the Study of Law and Society at UC Berkeley, with prior teaching experience at Middlebury College in Vermont, UC San Diego, and UC Berkeley. Calavita’s commitment to fair and impartial policing, public safety, and transparency led her to join the Police Review Commission in 2018, the Mayor’s Working Group on Fair and Impartial Policing in 2019-2021, and now, the Police Accountability Board. With her extensive academic background and expertise in law and society, Calavita is a valuable asset to the Board.

**Juliet Leftwich | Board Member**

July 2021 – Present



Juliet Leftwich is an attorney who has devoted her career to criminal justice and social reform. She previously served as Legal Director of the Gifford’s Law Center to Prevent Gun Violence, where she helped develop and defend innovative state and local gun safety laws. Juliet also served as the Chair of the Berkeley Commission on the Status of Women in 2019 and was appointed to the Alameda County Mental Health Advisory Board in 2018. There, she co-chaired the Criminal Justice Committee, focusing on policies to decrease the over-incarceration of mentally ill people at Santa Rita Jail. Juliet is committed to civilian oversight of law enforcement agencies and was appointed to the Berkeley Police Review Commission (PRC) in 2019, where she served on several subcommittees responsible for drafting complex policies. She has been a member of the Police Accountability Board since July 2021, where she serves on the Regulations Subcommittee and is committed to collaborating with fellow board members, the public, and the Berkeley Police Department to promote public trust and safety. Juliet is a long-time resident of Berkeley and earned her undergraduate degree from UC Berkeley and her law degree from UC Davis.

**Deborah G. Levine | Board Member**

July 2021 – Present



Deborah Levine is a distinguished Board Member of the Police Accountability Board, appointed in July 2021, with over four decades of experience as a criminal defense attorney. Having graduated from Cal with a degree in history in 1970, Levine went on to earn a law degree from Hastings College of the Law in 1973. She began her legal career as a Deputy Public Defender at the Public Defender's Office in Contra Costa County and later ventured into private practice, where she exclusively handled criminal defense cases, including federal defense. She was certified as a criminal law specialist by the State Bar of California for 40 years. With her vast knowledge and expertise, Levine joined the newly established Police Accountability Board, intending to utilize her experience as a criminal defense practitioner to continue the Board's dedication towards accountability and justice.

**Cheryl Owens | Board Member**

July 2021 – Present

Cheryl has more than 15 years of experience as the Administrative Services Manager for the Concord Police Department, where she managed the budget and all business operations, reported directly to the Chief of Police, and played a vital role in developing police department policies. Before her employment with the Concord Police Department, Cheryl worked in the corporate sector at Del Monte Foods and Mervyn's Department stores. She holds a Bachelor's degree in Economics with a minor in Finance, as well as an MBA in Finance, both from California State University East Bay. Cheryl is passionate about community engagement with law enforcement to create a fair and equitable justice system. She volunteers on the Finance Committee of the Contra Costa County Family Justice Center, where she provides financial recommendations, Excel training, and hiring support.

**Ismail Ramsey | Board Member**

July 2021 – March 2023



Mr. Ramsey, a former Chair of the Police Accountability Board, currently serves as the 53rd United States Attorney for the Northern District of California, appointed by President Joe Biden. He has an exceptional background in law and public service, having previously served as a member of the Police Review Commission and as an Assistant United States Attorney in the same office he now leads. Additionally, Mr. Ramsey has demonstrated his expertise by teaching as an adjunct professor at both the University of California Berkeley School of Law and Stanford Law School. He began his legal career as a law clerk for

Judge Harry T. Edwards of the United States Court of Appeals for the District of Columbia Circuit and subsequently worked as an associate at Kecker, Van Nest & Peters LLP. From 1999 to 2003, he served as an assistant United States attorney in the United States Attorney's Office for the Northern District of California.

**Nathan Mizell | Board Member**

July 2021 – December 2022

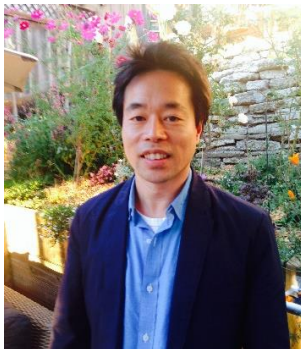


Before his election to the Berkeley Rent Board, Nathan had held the position of Vice-Chair on the Police Accountability Board. In addition to this role, he had also served as a Commissioner on the PRC, the nation's oldest independent police oversight agency with investigatory powers. Nathan was among the original advocates of BerkDOT, a pioneering initiative aimed at establishing a Department of Transportation responsible for managing transportation policy and traffic enforcement. Furthermore, Nathan had formerly chaired the Reimagining Public Safety Task Force for the City of Berkeley.

During his time as an undergraduate student at UC Berkeley, Nathan was actively involved in various capacities within the Associated Students of California (ASUC), including serving as the Executive Vice President and as a Policy Director for the ASUC President.

**Mike Chang | Board Member**

July 2021 – August 2022



During the period from July 2021 to August 2022, Mike Chang served as the first-ever chair of the Police Accountability Board. Before assuming this role, he held the position of vice chair at the Police Review Commission, which was the predecessor of PAB. Mike is an experienced federal civil rights enforcement attorney with 16 years of practice, and he currently teaches Ethnic Studies at UC Berkeley. He earned his Ph.D. from UC Berkeley before pursuing his legal education at UCLA, where he focused on critical race studies.

**Meet the Office of the Director of Police Accountability**

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The Director of Police Accountability (“Director”) and three staff members comprise the Office of the Director of Police Accountability (ODPA or Office). The ODPA’s purpose is to investigate complaints filed against sworn employees of the Berkeley Police Department and reach an independent finding as to the facts and recommend corrective action when warranted. The ODPA also provides secretarial

support to the PAB and supports them in their policy work. There are four roles within the ODPAs:

**Director of Police Accountability- Hansel Alejandro Aguilar**



The Director administers the daily operations of the ODPAs, supervises staff, oversees complaint investigations and policy reviews, and serves as the secretary to the PAB. As Secretary, the Director may staff the PAB’s meetings and provides managerial support in the execution of the PAB’s policies and procedures.

Director Aguilar is originally from San Pedro Sula, Honduras. He migrated with his family to New Jersey at 8 years old. After finishing his undergraduate studies in NJ, he relocated to the Commonwealth of Virginia, where he resided prior to arriving in California. He has considerable civilian oversight and criminal justice experience including serving as a law enforcement officer in Northern Virginia, as an in-house misconduct investigator for a youth development non-profit in Northern Virginia, a misconduct investigator at the D.C. Office of Police Complaints (OPC), an inaugural member of the Fairfax County Police Civilian Review Panel (PCRPP), a member of the George Mason University Police Advisory Board Implementation Committee and served as the first Executive Director of the City of Charlottesville Police Civilian Oversight Board (PCOB), formerly known as the Police Civilian Review Board.

**Investigator- Beneba Thomas, Esq.**



The ODPAs Investigator conducts in-depth investigations of civilian complaints against members of the Berkeley Police Department and assists with special projects.

Beneba Thomas is an accomplished Bay Area attorney and public servant. Ms. Thomas was a litigation attorney for Cooper, White & Cooper (San Francisco), Baker & McKenzie (San Francisco), and she worked for the State Bar of California (San Francisco). As an Oakland resident and rental property owner, Ms. Thomas was active in anti-crime and neighborhood reform efforts.

In 2002, Mayor Jerry Brown appointed Ms. Thomas as a Commissioner for Oakland’s Citizens’ Police Review Board, where she served for five years. Her legal experience has focused on litigation, investigation, landlord/tenant, construction, and mediation. She has extensive experience in the purchase, design, construction, and sale of single family and multi-unit properties.

Ms. Thomas was admitted to practice law in California in 1997. Ms. Thomas has a J.D. from Georgetown University Law Center and a Bachelor of Business Administration from California State University, Los Angeles. Ms. Thomas received her mediation training from UC Berkeley/Ron Kelly Mediation Training.

**Policy Analyst- Jose De Jesus Murillo**



The ODP Policy Analyst conducts in-depth reviews of Berkeley Police Department Policy. Policy reviews are initiated by a request from the PAB or a policy complaint by a member of the public. The Policy Analyst also assists with special projects, periodically serves as the acting PAB secretary, and may support the Director with the general operations of the office.

Jose De Jesus Murillo is an accomplished individual with outstanding academic and professional achievements. Born and raised in the East Bay, he graduated from UC Berkeley in 2020 with a Bachelor of Arts in Legal Studies and a Minor in Public Policy, demonstrating a strong interest in policy development and analysis. During his undergraduate studies, he was a member of the Justice Corps, volunteered at various immigration law non-profits in Berkeley, and secured a prestigious Policy and Data Analyst fellowship with the Alameda County Social Services Agency's Office of Policy, Evaluation, and Planning. This opportunity allowed him to refine his skills in policy analysis and data-driven decision-making.

Currently, he is pursuing a Master's in Business Administration with a concentration in data analytics at CSU East Bay, further enhancing his analytical capabilities. With his deep passion for policy and analytics, Mr. Murillo brings a unique and valuable perspective to the ODP team.

**Data Analyst [VACANT]**

Interim Director Kathy Lee, in collaboration with the Police Accountability Board (PAB), achieved a significant milestone by advocating for a budget allocation that would facilitate the hiring of a full-time data analyst. The primary objective of this role was to enhance the oversight infrastructure and enable comprehensive review and analysis of various patterns and trends in public safety within the City of Berkeley. Despite this forward-thinking initiative, it is noteworthy that the position remained vacant throughout the period under review in this report.

The envisioned data analyst role is poised to play a pivotal part in the proactive monitoring of trends that impact public safety. The selected candidate will work closely with various



city departments to ensure that these trends are observed, analyzed, and acted upon in a timely and efficient manner. The addition of this role reflects the commitment of the PAB and its leadership to furthering the effectiveness of civilian oversight, ensuring that the City of Berkeley continues to make informed and data-driven decisions related to public safety and law enforcement practices.

### **Office Specialist Maritza Martinez**



The Office Specialist is an integral part of the ODPa team, providing essential administrative support. This role encompasses front office management, assistance to key team members, record management, compilation of operational statistics, and effective communication. The Specialist ensures a well-organized office environment and contributes to the efficient functioning of the ODPa. Their role is critical in facilitating the team's core responsibilities.

Maritza is a native of Lima, Peru and came to the United States in January of 1982 to pursue her dream as many others to have a better opportunity in life. Maritza completed her education through high school in Lima at San Antonio de Mujeres (a Catholic-bilingual school), and had continued her education in the Business Field/Accounting taking many courses at different colleges to enable her to be successful at work.

Maritza joined the City as a permanent employee on April 19, 1999, as an Office Specialist II in the Environment Health Division. Two years later she was promoted to an Office Specialist III in the Police Review Commission (PRC) currently known as the ODPa. Maritza's great institutional experience and willingness to learn has been invaluable to our department.

Maritza has one successful son who works at Overaa Construction in Richmond, California, as an Assistant Controller, and has six grandchildren. She is very proud of them.

### **Purpose of the Report**

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The PAB and the ODPa provide civilian oversight of the Berkeley Police Department (BPD). The PAB and ODPa began their operations in July of 2021 and replaced the former Police Review Commission (PRC), established in 1973. The new structure is a modernization and an expansion of tools for meaningful civilian oversight of the police in the 21st century. These bodies report to the Mayor and City Council and are independent of the City Manager. The PAB and ODPa were created with the passage of Measure II, which allowed for an amendment of the City Charter, in November 2020.

The present report, in strict accordance with the mandates outlined in Section 125(16)(b) of the City Charter, offers a comprehensive view of the functions and responsibilities of the PAB and conducts an analysis of BPD activities. Our report is structured to address each specific requirement set forth in the City Charter.

This report examines data collected between July 2021 and December 2022. By adhering to the guidance provided in the City Charter, we aim to provide both decision-makers and the public with a transparent and accountable understanding of the state of civilian oversight and law enforcement in the City of Berkeley. This includes:

A detailed description of the Board's activities during the reporting year, comprising:

(i) A summary of the number, type, and disposition of complaints received by the Board.

(ii) A summary of the number, type, and disposition of complaints filed with the Police Department by members of the public.

(iii) An account of policy-related complaints undertaken.

(iv) Any additional information requested by the Board or City Council.

An in-depth examination of the processes and procedures employed by both the Department and the Board in investigating alleged misconduct and in determining disciplinary actions, including the level of discipline for sustained findings of misconduct.

An evaluation of training, education, and the early warning system utilized by the Department.

The exploration of training and policy issues that arise during investigations of complaints by the Department, Director of Police Accountability, or Police Accountability Board.

A comprehensive analysis of trends and patterns in vehicle and pedestrian stops, citations, arrests, searches, seizures, use of force, and officer-involved shootings by the Berkeley Police Department. This analysis includes statistical data related to the demographics of the complainants, reasons for stops, the purpose of stops, dispositions, and stop locations, all in compliance with the policies, practices, and procedures of the City and Police Department, and the Police Department General Order on Fair and Impartial Policing.

An examination of trends and patterns related to the use of force and officer-involved shootings.

This annual report, as specified by Section 125(16)(b) of the City Charter, has undergone a review by the City Attorney to ensure compliance with all relevant state and federal confidentiality laws before being made available to any member of the public

Furthermore, it underwent approval by the Board at the [INSERT PAB APPROVAL DATE] before being presented to the Mayor and City Council, City Manager, and the Chief of Police at a City Council meeting. It also includes, where necessary, recommendations for changes in the processes and procedures reviewed..

### **Overview of the Police Accountability Board and the Office of the Director of Police Accountability**

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The PAB and the ODPA work in tandem to provide independent oversight of the Berkeley Police Department. The PAB is an independent agency with the authority to advise and make recommendations on the operation of the Berkeley Police Department to the City Council, the City Manager, and the public. The PAB is made up of 9 members who are selected by the Mayor and City Council and must be residents of the city, at least 18 years old, not employed by the city or police, and committed to community service. Under 125(3)(a)(1) of the City Charter, the PAB has the following enumerated powers and duties:

(1) To advise and make recommendations to the public, City Council, and City Manager regarding the operation of the Berkeley Police Department, including all written policies, practices, and procedures in relation to the Berkeley Police Department;

(2) Review and recommend for City Council approval all agreements, letters, memoranda of understanding, or policies which express terms and conditions of mutual aid, information sharing, cooperation and assistance between the Berkeley Police Department and all other local, state and federal law enforcement, intelligence, and military agencies or private security organizations;

(3) To receive and consider the findings and recommendations of the Director of Police Accountability regarding complaints filed by members of the public against sworn employees of the Police Department and to recommend if discipline is warranted when misconduct is found and, pursuant to Section 18, the level of discipline for sustained findings of misconduct;

(4) To participate in the hiring of the Chief of Police as set forth in Section 22;

(5) To access records of City Departments, compel attendance of sworn employees of the Police Department, and exercise the power of subpoena as necessary to carry out its functions;

(6) To adopt rules and regulations necessary for the conduct of its business; and

(7) Any other powers and duties as the City Council may assign it by Ordinance. The ODPA is responsible for carrying out the work of the PAB. Specifically,

The duties of the Director of Police Accountability, as specified in Section 125(14) of the City Charter, are multifaceted and pivotal in supporting the effective operation of the Police Accountability Board (PAB). These duties encompass the following:

**Work of the Board and Day-to-Day Operations:**

The Director of Police Accountability is responsible for executing the work of the Police Accountability Board, including the day-to-day operations of the Board office and staff. This entails overseeing the operational aspects of the Board and managing its personnel. The Director is also tasked with conducting performance appraisals and disciplinary actions concerning all subordinate employees of the Board. It is imperative to note that all such individuals, in their capacity as City of Berkeley employees, are subject to the personnel rules that govern City employees.

**Complaint Investigations:**

The Director of Police Accountability is entrusted with the responsibility to ensure the timely, thorough, complete, objective, and fair investigation of any complaint received by the Police Accountability Board. This entails assessing the conduct of sworn employees of the Police Department based on the facts uncovered during the investigation, as well as in alignment with state and federal law, and the policies, practices, procedures, and personnel rules of the City and the Berkeley Police Department.

**Recommendations to the Chief of Police:**

Following the investigative process, the Director of Police Accountability presents the results of their findings and recommendations to the Police Accountability Board. The PAB then formulates recommendations to the Chief of Police regarding the specific complaint.

Pursuant to the duties, the Director may hire a Chief Investigator and, when the City Attorney has determined that a conflict of interest exists, outside legal counsel, subject to budgetary approval from the City Council, and may also hire consultants and additional investigators to perform their duties. Overall, the Director of Police Accountability plays a vital role in maintaining the integrity of the oversight process, ensuring accountability, and safeguarding the rights and interests of the community within the City of Berkeley.

Like any public servant, the Director is also subject to accountability and oversight. The Charter specifies the Council's and the PAB's input regarding removal of the director. Specifically, it states that removal for cause can occur: if the Police Accountability Board, by majority vote, recommends the removal for cause of the Director of Police Accountability to the City Council. Subsequently, the City Council holds the authority to

remove the Director by a two-thirds vote, either on its own motion or based on the recommendation of the Police Accountability Board.

The powers and duties of the Police Accountability Board (PAB) and the Office of the Director of Police Accountability (ODPA) are subject to a system of checks and balances, as specified in Section 125(3)(d) of the City Charter. This section outlines specific restrictions that ensure the protection of various rights and legal considerations:

**Collective Bargaining Rights:** The PAB, Director of Police Accountability, and their representatives are prohibited from taking actions that would restrict, violate, or abridge the collective bargaining rights of the designated bargaining unit representative of the sworn employees of the Police Department, as well as the rights of individual members within that unit.

**Collective Bargaining Agreements:** They are also restricted from undertaking actions that would violate or abridge the terms and conditions of any collective bargaining agreement, understanding, or practice with the designated bargaining unit representative of the sworn employees of the Police Department, with the exception of those provisions explicitly provided for in the City Charter.

**Legal Rights of Individual Sworn Employees:** The City Charter ensures that the PAB, Director of Police Accountability, and their representatives do not undertake actions that would infringe upon the legal rights of individual sworn employees of the Police Department. This includes safeguarding the rights set forth in the Public Safety Officers' Procedural Bill of Rights Act (POBRA), as outlined in Government Code section 3300 et seq. Furthermore, these individuals have the right to maintain the confidentiality of their personnel file information in accordance with the relevant legal provisions (including, but not limited to Penal Code §§ 832.7 and 832.8), except as required under Section 20 of Article XVIII of the City Charter.

These restrictions ensure that while the PAB and ODPA carry out their important oversight functions, they do so within the bounds of established legal and contractual frameworks, respecting the rights and protections afforded to police department employees and labor representatives. This framework reflects the commitment to fairness, accountability, and adherence to the rule of law within the City of Berkeley's law enforcement oversight mechanisms.



## CIVILIAN OVERSIGHT IN BERKELEY, CA



### Investigative Processes and Procedures

The ODPA's investigative processes and procedures are outlined in Section 125(18) of the Berkeley City Charter and Interim Regulations for Handling Complaints Against Sworn Officers of the Police Department (Interim Regulations). The procedures outlined in this section are intended to guide the ODPA in handling complaints filed by any member of the public alleging misconduct by sworn employees of the Berkeley Police Department.. The PAB's Interim Regulations were approved by the Berkeley City Council on October 5, 2021, . These are the regulations under which the PAB and ODPA operated under between 2021 and 2022.

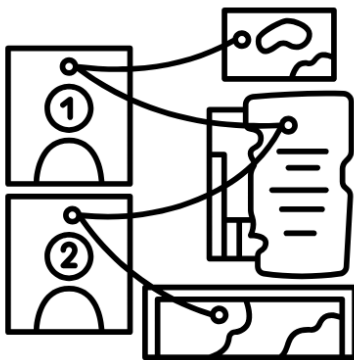
## Filing a Complaint

Under the Interim Regulations, only aggrieved parties, as well as eyewitnesses (percipient witnesses), or their representative<sup>2</sup> may file a complaint alleging police misconduct. Complaints must be filed within 180 days<sup>3</sup> of the alleged misconduct, except when a tolling exception applies. Tolling may apply when the complainant is incapacitated or otherwise prevented from filing a complaint or if the complainant is subject of a criminal proceeding relate to the matter of the complaint. When filing a complaint, the complainant will have the option of choosing mediation instead of an investigation.



Upon receipt of a complete complaint form, the Director of Police Accountability will screen the complaint for sufficiency. A complaint is deemed sufficient if the alleged facts, if true, would establish that misconduct occurred. A notice of complaint and allegations will then be issued within ten (10) days to the subject officers and an investigation will begin. Complaints that do not allege *prima facie* misconduct, or are frivolous or retaliatory, are submitted by the Director to the PAB for administrative closure at the next regular meeting that would allow the complainant at least five (5) days' notice. If a majority of Board members agree, the case will be closed. If the Board decides not to administratively close the complaint, the notice of complaint and allegations will be mailed out and an investigation will begin.

## Investigative procedures



Section II.C.1 of the Interim Regulations, consistent with the City Charter, indicates that the time limit for completion of an investigation is one hundred and twenty (120) days<sup>4</sup> from the time of the City's discovery by a person authorized to initiate an investigation into the alleged misconduct. During this time, ODP staff will undertake a timely, thorough, complete, objective and fair investigation<sup>5</sup>. The investigative process may include any of the following investigative tasks:

- an examination of the narrative provided in the complaint form,

<sup>2</sup> Complainants may represent themselves or obtain a representative, but one is not required (Right to Representation is established in Section II.A.5 of the Interim Regulations).

<sup>3</sup> The filing period is outlined in Section II.A.3 of the Interim Regulations.

<sup>4</sup> Section II.C.1.b of the Interim Regulations allow for a longer time period for the investigation, not to exceed 195 days.

<sup>5</sup> The standards of the investigation are set forth in Section 125(14)(f) of the City Charter.

- an interview with the complainant
- a gathering and review of any relevant materials to include (but not limited to):
  - photographs
  - video evidence
  - reports (i.e. police reports, medical reports, etc.)
  -
- a canvass of the field (i.e. incident location visit)
- an interview with any witnesses (civilians and officers); and
- an interview with the subject officer .



Upon completion of the investigation, the Director will provide the PAB with a Findings & Recommendations report where recommendations for each allegation will be provided. The Board will then consider whether to accept the Director’s recommendations or proceed to a hearing. If the findings and recommendations are accepted, the Director will forward his report to the Chief of Police who will then decide on whether or not they agree with the level of discipline, if any. If the Chief of Police agrees with the Director and PAB, the Chief will issue their final decision. If the Chief disagrees with the recommendation, they will send their tentative decision to the Director who may decide to take no further action at that time or request that the City Manager review the case.

### Hearing procedures

Hearings are not open to the public<sup>6</sup>, ensuring a closed-door process. Throughout the hearing, the presence<sup>7</sup> of the Director and Investigator is permitted, while the Duty Command Officer can attend all aspects except the Board members' deliberations. Additionally, the Interim



<sup>6</sup> Per Section I.B.3 of the Interim Regulations.

<sup>7</sup> Section II.I.1 of the Interim Regulations indicates who may or must be present at the hearing.



Regulations mandates<sup>8</sup> the presence of both the complainant and the subject officer to address the questions posed by Board members. Although optional, the complainant or subject officer may have legal representation, with the responsibility falling on them to ensure the attendance of their representative.

In situations where unforeseen circumstances arise, such as the unavailability of a witness or representative, the Hearing Panel holds the authority to postpone the hearing<sup>9</sup> upon demonstrating a valid cause. However, if the complainant fails to appear<sup>10</sup> within 30 minutes of the scheduled hearing time without justifiable reasons, the complaint will be dismissed. Conversely, if the subject officer fails to attend within the given timeframe, the hearing will proceed, potentially resulting in the substantiation of the allegations.

Should two out of the three Hearing Panel members be present<sup>11</sup>, and the third member fails to arrive within 30 minutes of the scheduled hearing time, the hearing will be postponed until the third member is seated. Nevertheless, if all parties consent, the hearing can proceed with two Panel members, requiring unanimous agreement for any findings.

TESTIMONY <sup>12</sup> : The Hearing Panel designates a Chairperson for the hearing. The hearing process involves separate testimonies in the hearing room, with the complainant and civilian witnesses testifying first, while the subject officers and their representatives are allowed to be present. Questioning follows a specific sequence, with Board members initiating the questioning, followed by the subject officer or their representative, and concluding with follow-up questions from the Board members. Subsequently, the complainant or their representative are granted up to 15 minutes to deliver a case summary and closing statement.



Upon completion of their testimony, the complainant and civilian witnesses are excused from the hearing room. Subsequently, the subject officers and any witness

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<sup>8</sup> Ibid

<sup>9</sup> Section II.I.2 of the Interim Regulations allows for continuances at the Hearing Panel's discretion.

<sup>10</sup> Section II.I.3 of the Interim Regulations allows for dismissal as a result of the complainant's failure to appear.

<sup>11</sup> Section II.I.4 of the Interim Regulations discusses scenarios when there is a lack of full hearing panel.

<sup>12</sup> Section II.I.6 of the Interim Regulations discusses the process for taking testimony at the hearing.

officers are called to testify separately, with the presence of subject officer representatives being permissible. Each subject officer may opt to make a statement or rely on interview statements and is initially questioned by their representative. They may also be subjected to questioning by two Board members, unless the officer chooses to waive this requirement. Similar to the complainant, each subject officer is granted up to 15 minutes to present a summary of their case and a closing statement. After concluding their testimony, they are excused from the hearing room.

### Mediation vs. Investigation



Complainants have the option of choosing mediation instead of an investigation. ODP staff discusses this option with complainants during the intake process.

Mediation<sup>13</sup> offers the chance to resolve a complaint directly with the officer, while a neutral professional mediator facilitates the process. In contrast, an investigation is resolved by the DPA and Police Accountability Board, and could result in disciplinary action against an

officer. While both options are aimed at improving and accomplishing police accountability, when appropriate, mediation can more directly promote better police-community relations between the complainant and the subject officer.

### Board Activities

Board members are residents of the City of Berkeley, at least 18 years old, who have pledged to be fair-minded and objective, with a demonstrated commitment to community service. Board members generally meet twice a month for their regular meetings. Per Section 125(13)(a) of the Berkeley City Charter, the Board is to have at least (18) regular meetings each calendar year not including any special or subcommittee meetings. Within its 18 months of operation, the PAB has held 82 meetings for a total of

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<sup>13</sup> For more information on mediation between community members and police officers, consider the following resources:

Police Chief Magazine. Peaceful Communications Between Community Members and Law Enforcement: When Actions Are Perceived Differently  
<https://www.policchiefmagazine.org/peaceful-communications-community-members-law-enforcement/>

Walker, S. (2002). Mediating citizen complaints against police officers: A guide for police and community leaders. US Department of Justice, Office of Community Oriented Policing Services.  
<https://portal.cops.usdoj.gov/resourcecenter/ric/Publications/cops-w0725-pub.pdf>

195.22 working hours<sup>14</sup>. See Figure 1 for an overview of the PAB’s Meetings. Board members devote considerable time and effort toward fulfilling their duties.

<b>Table 1. Overview of the PAB’s meetings between July 2021 to December 2022.</b>		
<b>Meeting Type</b>	<b>Number of Meetings</b>	<b>Dedicated Time (Hours)</b>
<b>Regular</b>	<b>26</b>	<b>84.90</b>
<b>Special</b>	<b>13</b>	<b>33.42</b>
<b>Subcommittee</b>	<b>43</b>	<b>76.90</b>
<i>Budget Proposal</i>	2	2.58
<i>Chief of Police Selection</i>	2	5.25
<i>Controlled Equipment</i>	5	8.15
<i>Director Search</i>	2	2.22
<i>F&amp;I Policing</i>	13	17.38
<i>Policies and Practices re Downtown Task Force and Bike Unit</i>	2	2.70
<i>Regulations</i>	17	38.62
<b>Grand Total</b>	<b>82</b>	<b>195.22</b>

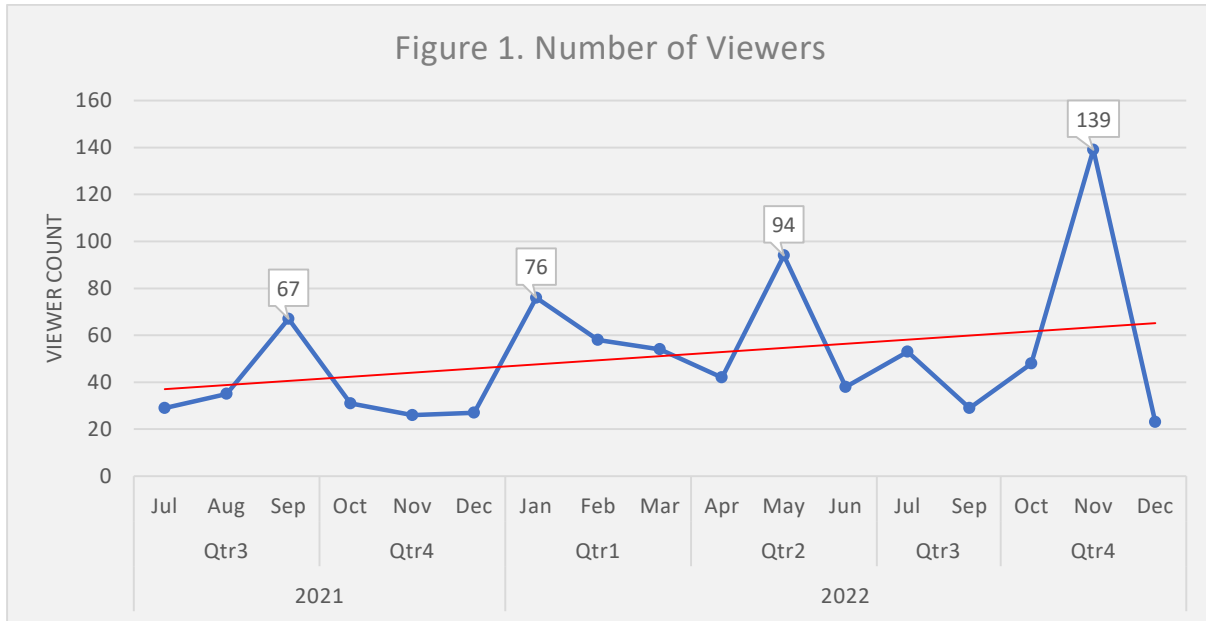
*Source: PAB attendance logs*

### Public Participation

One of the fundamental purposes articulated in Section 125(1) of the City Charter, guiding the mission of the Police Accountability Board (PAB), is to "provide community participation in setting and reviewing Police Department policies, practices, and procedures." In pursuit of this objective, the ODPa has undertaken efforts to assess and enhance community engagement, with a specific focus on public participation in PAB activities.

To gain insights into the effectiveness of public engagement and to better understand patterns of community involvement, the ODPa initiated a review of data and attendance patterns using Zoom's analytics function during PAB meetings. The analysis of these trends has proven to be a valuable resource in informing the development of a strategic communications and outreach plan.

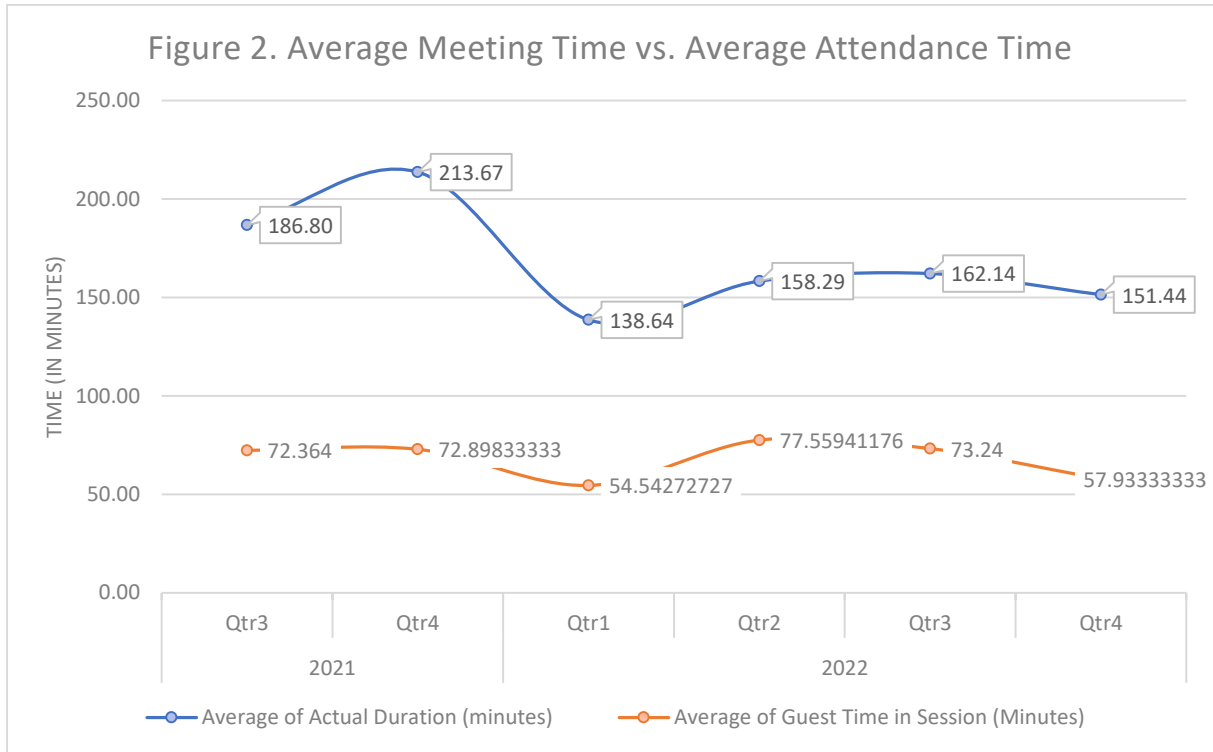
<sup>14</sup> The PAB has been in operation since July of 2021. The time dedicated as noted in Figure 1 does not include any time spent by Board members reviewing material prior to their scheduled meetings, training hours, or time spent at complaint hearings.



As noted in Figures 1. And 2, the examination of meeting attendance data yielded several noteworthy observations. It was observed that there tended to be heightened viewer participation and attendance during PAB remote meetings, particularly when events of significant public interest were taking place. While this observation is not surprising, it highlights the relevance of specific topics in attracting public attention and engagement.

However, it is essential to acknowledge certain limitations in our understanding of these attendance patterns. The PAB and ODPa do not currently collect data from meeting participants regarding how they became aware of the meetings or their motivations for tuning in, aside from a general interest in the topics discussed. As a result, it remains unclear whether other factors, such as individual outreach efforts by Board members or discussions within their respective networks, have had an impact on meeting attendance. Additionally, it is uncertain whether local media coverage may have contributed to spikes in attendance at particular meetings.

Recognizing the importance of systematically tracking and comprehending these attendance trends, the ODPa has prioritized the selection of a Data Analyst. This strategic addition to the team will facilitate the collection, analysis, and interpretation of data related to public participation. By gaining a deeper understanding of the various factors influencing meeting attendance, the ODPa is poised to improve its community engagement efforts, ensuring that the mission of providing community participation in police oversight, as outlined in the City Charter, is fulfilled effectively and inclusively. This data-driven approach is pivotal in advancing transparency, accountability, and public involvement in the oversight of law enforcement practices within the City of Berkeley.

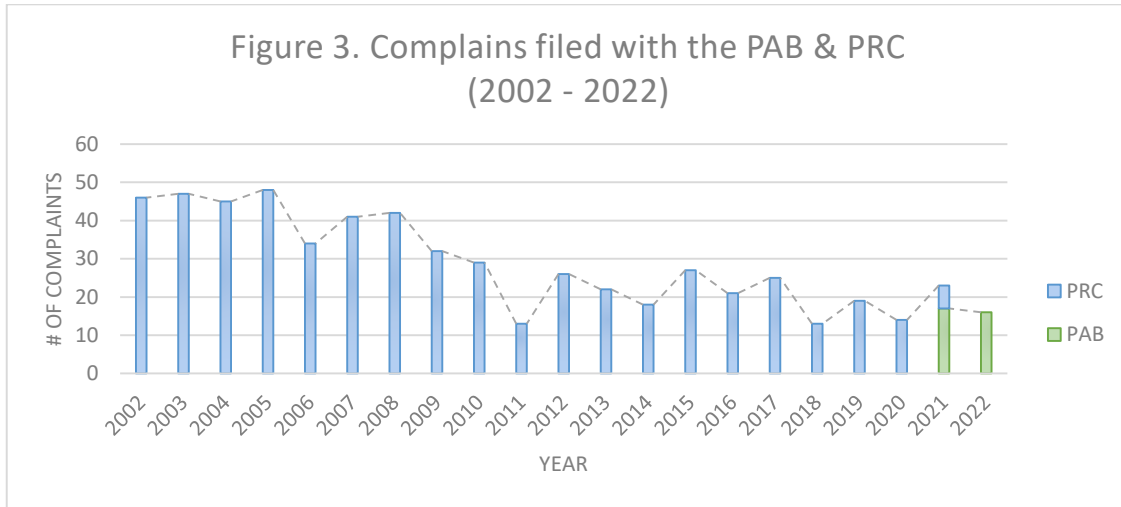


### Personnel Complaints

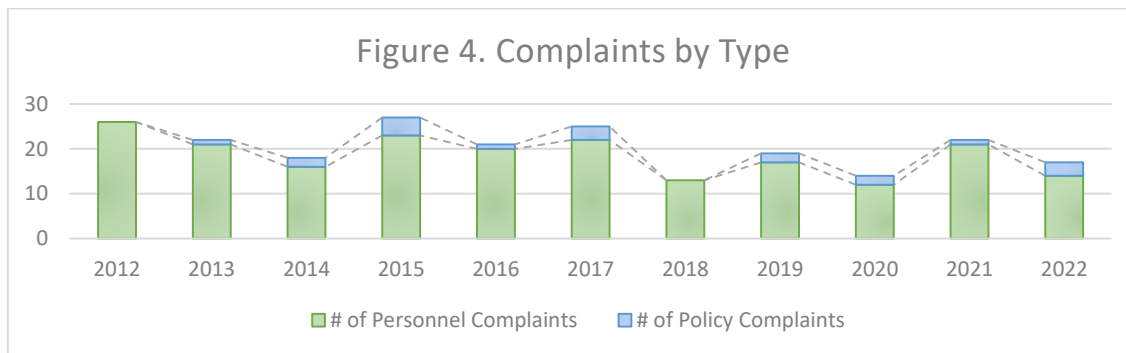
In its first year and a half, the ODPa has received thirty-three (33) complaints—seventeen (17) in 2021 and sixteen (16) in 2022. The number of complaints received by the ODPa during this initial period of operation is similar to those received by the PRC between 2015 to 2020. The number of complaints processed by the PRC steadily decreased over time after 2008 and an average of nineteen (19) complaints per year has been maintained since then. The number of complaints received by the ODPa is among the lowest in the last twenty years. It's important to note that while some police agencies saw a decrease in complaints during the pandemic, the reasons for these changes are complex and can vary. Changes in community behavior, police presence, and overall crime rates may contribute to fluctuations in complaint numbers. Additionally, as the situation evolves, trends in complaints may change.

In Appendix 1 of this report, you will find a comprehensive summary table that covers the period of 2021-2022. This summary table includes cases closed during this time frame and provides a summarized breakdown of each case. It encompasses a summary of allegations, findings from the Director of Police Accountability (DPA), findings from the Police Accountability Board (PAB), findings from the Berkeley Police Department (BPD), and findings from the City Manager's Office (CMO). This table offers a comprehensive overview of the outcomes and resolutions of the complaints received by the Office of the Director of Police Accountability (ODPA).

Please refer to this appendix for in-depth information regarding the specific cases and their respective findings.



Of the 33 complaints received by the ODPa, twenty-nine of them have been personnel complaints while four of them were formal policy complaints<sup>15</sup>. Historically, a majority of the complaints received by the PRC were personnel-related while policy complaints were far less common. Based on the data collected by the PAB in its initial period of operation, personnel complaints continue to be constituted a majority of the complaints received.



### Complaint Dispositions

As of December 31, 2022, the PAB and ODPa have closed twenty-three (23)<sup>16</sup> cases, including four carried over from the PRC. When a case is closed by the PAB, it is assigned one of seven disposition categories. The disposition categories are defined as follows:

<sup>15</sup> Policy reviews initiated by the PAB without a complaint are not included.

<sup>16</sup> The PAB has reached a disposition for 26 cases but 3 of those cases were closed and converted to policy reviews.

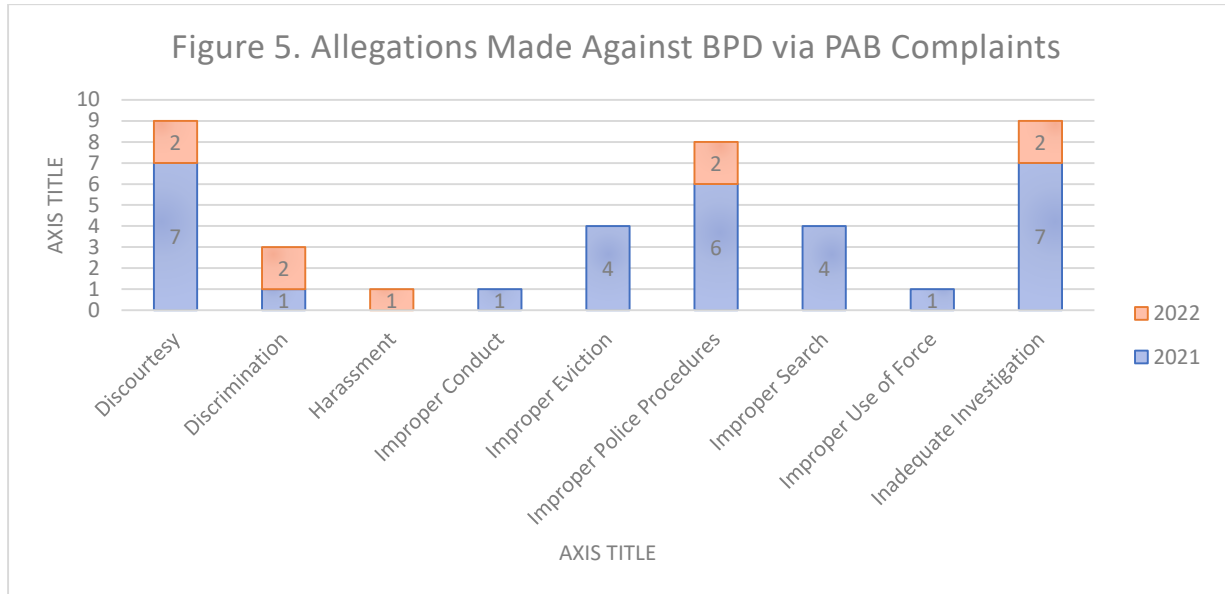
1. **Administrative closure** – Closure of a complaint before a confidential personnel hearing is held. Grounds for administrative closure are listed in Section 2(D)(1)(a) of the PAB’s Interim Regulations for Handling Complaints Against Sworn Officers of the Police Department.
2. **Findings & Recommendations (F&R) Accepted** – Within 60 days of completing an investigation, the Director of Police Accountability (DPA) must submit and present investigative findings and recommendations regarding the allegations presented in the complaint. If the PAB agrees with these findings, the DPA will send the F&R report to the Chief of Police for their review.
3. **Hearing** – After the DPA presents its F&R report, if the PAB decides that further fact-finding is needed, the PAB may vote to hold a confidential personnel hearing. The PAB will hear testimony from the complainant(s) and subject officer(s) before deliberating on the facts. The Board may then choose to agree, modify, or reject the findings.
4. **Mediation** – A process of attempting to reach an agreement a mutually agreeable resolution, facilitated by a trained, neutral third party.
5. **Rejected** – A complaint can be rejected if it is incomplete, does not allege prima facie misconduct, or is frivolous or retaliatory.
6. **Withdrawn** – The complainant requests that we do not proceed before the noticing or initiation of any investigative work.

Of the cases closed by the PAB, 34.78% of cases were closed through a hearing or the acceptance of an F&R report. Administrative closures comprised 30.43% of closures while 26.09% of cases were rejected<sup>17</sup>. The remaining cases were closed as a result of the complainant withdrawing their complaint or opting for mediation.

Table 2. Distribution of Dispositions (2021-2022)		
Disposition	Count	% of Dispositions
Rejected	6	26.09%
Withdrawn	1	4.35%
Mediated	1	4.35%
F&R Accepted	2	8.70%
Hearing	6	26.09%
Adm. Closure	7	30.43%
	<b>23</b>	<b>100.00%</b>

<sup>17</sup> Of the six (6) rejected complaints, five (5) of them were frivolous and presented implausible claims.

Within these cases, complainants presented 42 allegations.<sup>18</sup> The most common allegations against BPD personnel were for discourtesy (9 allegations), inadequate investigation (9 allegations), and improper police procedures (8 allegations).



The PAB recommended a sustained finding for 43% of the allegations presented to them while recommending a finding “not sustained” or “unfounded” in 28% of the total allegations. See the table below for the distribution of the allegation dispositions as recommended by the PAB.

**Table 3. Distribution of PAB’s Allegation Dispositions**

Finding Categories	2021	2022	Total	% of total
<b>Sustained</b>	15	2	17	43%
<b>Not Sustained</b>	1	0	1	3%
<b>Adm. Closure</b>	5	6	11	28%
<b>Unfounded</b>	9	1	10	25%
<b>Closed by Mediation</b>	1	0	1	3%
<b>Total</b>	31	9	40	100%

The PAB forwarded recommendations for twenty-eight (28) cases to the Chief of Police. Of the allegations presented, the Chief of police sustained 14% of the allegations while finding that 75% of the allegations presented were either unfounded or not sustained. See the table below for the distribution of findings by the Chief of Police.

<sup>18</sup> A complaint may have one or more allegations.



<b>Table 4. Distribution of Chief of Police's Findings</b>				
<b>Finding Categories</b>	<b>2021</b>	<b>2022</b>	<b>Total</b>	<b>% of total</b>
<b>Sustained</b>	3	1	4	14%
<b>Not Sustained</b>	6	0	6	21%
<b>Unfounded</b>	15	0	15	54%
<b>Exonerated</b>	0	2	2	7%
<b>Preventable</b>	1	0	1	4%
<b>Total*</b>	25	3	28	100%

**\* Cases closed via administrative closure or mediation do not require the Chief of Police to issue findings and were therefore not included.**

The Chief of Police, at the request of the DPA, forwarded her findings and that of the PAB to the City Manager for review. The City Manager reviewed nineteen (19) allegations and found 16% of the allegations to be sustained while 85% were either unfounded or not sustained. See the table below for the distribution of findings made by the City Manager.

<b>Table 5. City Manager's Findings</b>				
<b>Finding Categories</b>	<b>2021</b>	<b>2022</b>	<b>Total</b>	<b>% of total</b>
<b>Sustained</b>	3	0	3	16%
<b>Not Sustained</b>	10	0	10	53%
<b>Unfounded</b>	6	0	6	32%
<b>Total</b>	19	0	19	100%

**\*Cases closed via administrative closure, mediation, or cases in which the DPA does not contest the Chief of Police's decision do not require review by the City Manager and were therefore not included.**

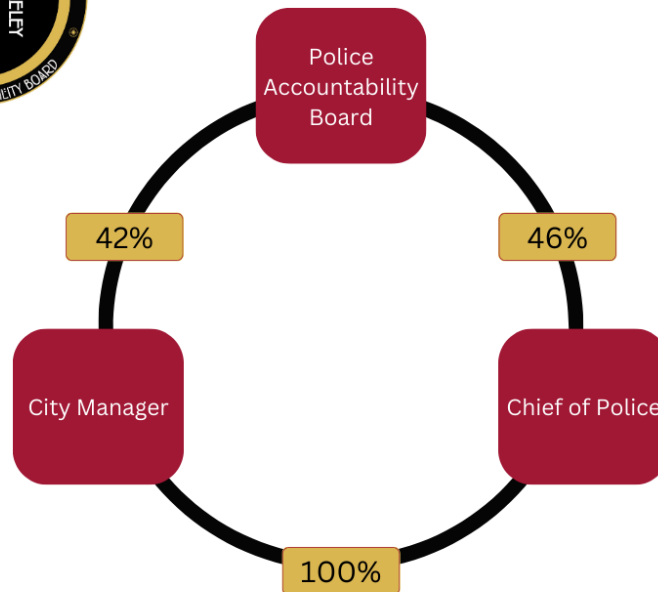
Significant disparities are evident in the dispositions of allegations among the Police Accountability Board (PAB), the Chief of Police, and the City Manager. Notably, the PAB and Chief of Police reached concurrence on allegation dispositions in 46% of cases, while the PAB and the City Manager concurred in 42% of instances. In stark contrast, the Chief of Police and City Manager were in unanimous agreement with their findings in all cases, marking a 100% concurrence rate.

Among the nineteen (19) allegations presented to these entities, only eight (8) garnered consensus. These eight cases comprised five (5) instances classified as "unfounded" and

three (3) as "sustained." The variations in disposition outcomes highlight the complexity of evaluating and resolving allegations within the realm of police accountability.



## Agreement Rates



## Demographics of Complainants

The collection of demographic data by the PAB and ODPa serves a crucial role in civilian oversight of the police. By examining the experiences of individuals who file complaints, the PAB and ODPa can identify patterns and disparities within the Berkeley community and assess the fairness and impartiality of the police department's practices and procedures. This information can inform efforts to address systemic issues and ensure that all individuals are treated equitably. The analysis of demographic data is also essential for evaluating the effectiveness of BPD policy and the PAB's internal processes and making necessary improvements to address any biases or inequalities. By collecting and analyzing this information, the PAB and ODPa play a critical role in promoting accountability and transparency in the police department and ensuring that the rights and needs of all individuals in the community are being met.



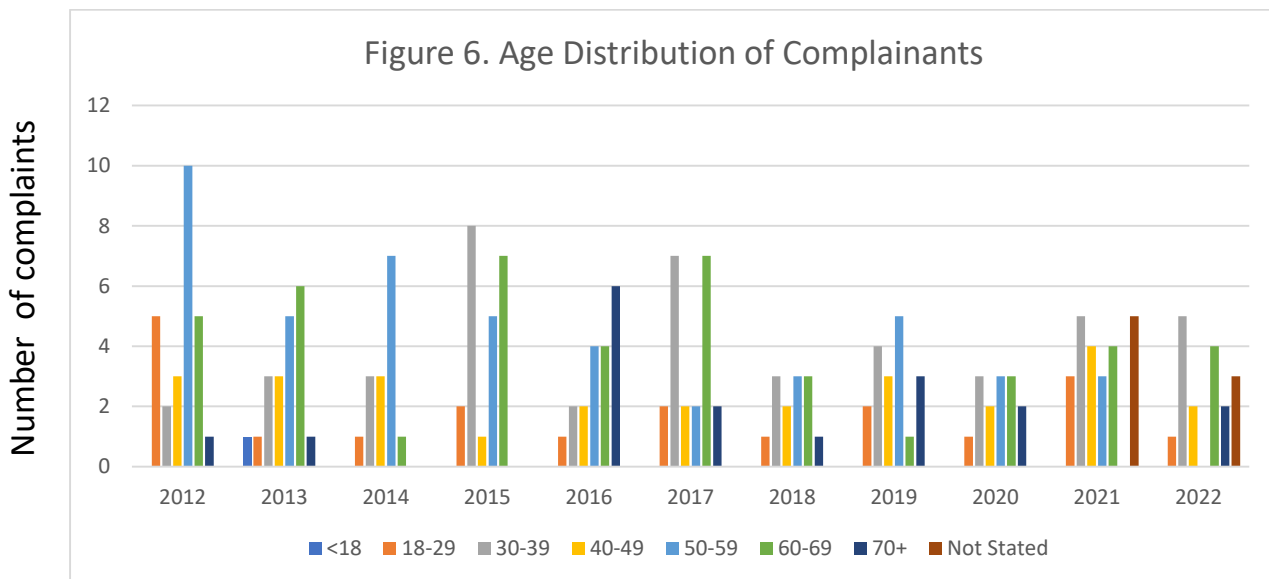
While the collection of demographic data is a valuable step in addressing disparities, it is essential to acknowledge the current dataset's limitations. The PAB's

complaint data, though valuable, is relatively small and may not be generalizable (i.e. fully represent the experiences of the entire community). Consequently, the current analysis is primarily observational in nature, and it would be premature to draw firm conclusions solely from this dataset regarding specific disparities.

To gain a more comprehensive understanding of these disparities, it is imperative to integrate the data maintained by the Berkeley Police Department, as this dataset, which will be explored further in this report, offers a more extensive source of information. It encompasses arrest data, stop data, and calls for service data, which are better suited for a comprehensive analysis. By examining these datasets in tandem with the PAB's complaint data, we can develop a more holistic understanding of individuals' interactions with the police in Berkeley. We endeavor to do this in future reports.

### Age

The collection of age data plays a pivotal role in addressing disparities as it offers valuable insights into how distinct age groups interact with the police and engage with the complaint process. Examining the ages of complainants enables the Police Accountability Board and the Office of the Director of Police Accountability to uncover potential trends or patterns that shed light on whether specific age groups encounter bias or discrimination disproportionately. Through a comprehensive analysis of age data, the PAB and ODPa can acquire a deeper understanding of the experiences of diverse age groups, allowing them to take targeted measures to address any disparities and enhance police-community relations.



The age range of complainants ranged between 20 to 71 years old. The largest age group was between 31 to 30 years old, with 10 complaints, representing 25.64% of the total complaints. The next largest group was between the ages of 61 to 70 years old,

representing 17.95% of the total complaints. Interestingly, 20.51% of the complainants did not state their age, which can make it challenging to draw definitive conclusions about the age distribution.

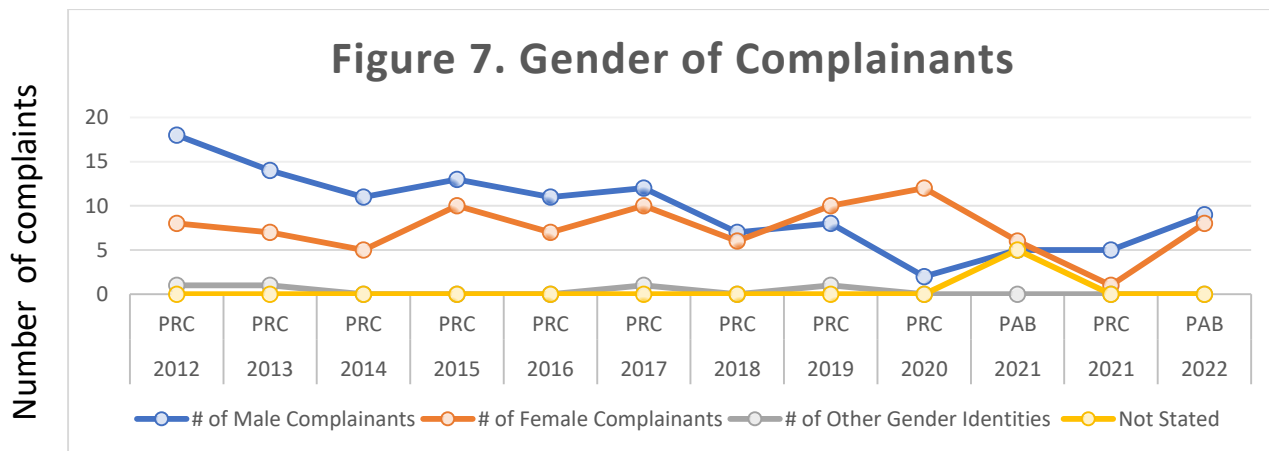
*Gender*

Collecting gender data is important because it can provide insights into how different gender groups experience the police and the complaint process. By examining the gender of complainants, the PAB and ODPa can identify any trends or patterns that may indicate that certain gender groups are more likely to experience bias or discrimination.

Leaving gender open-ended promotes inclusivity for individuals who may not identify with the gender binary. This means that individuals who do not fit into the traditional categories of male or female can still participate in the complaint process and have their experiences counted. By not limiting gender to binary options, the PAB and ODPa can create a more inclusive and welcoming environment for all individuals, regardless of their gender identity. This inclusivity can lead to a more accurate understanding of the experiences of all individuals in the community and help the PAB and ODPa address disparities that may impact individuals who identify as non-binary or transgender.

Between 2021 and 2022, nineteen complainants (48.72%) identified as male while 16 complainants (38.46%) identified as female.<sup>19</sup> Historically, 53.74% of complainants identified as male, 42.06% identified as female, and 4.2% either declined to state or identify with another gender identity.<sup>20</sup>

**Figure 7. Gender of Complainants**



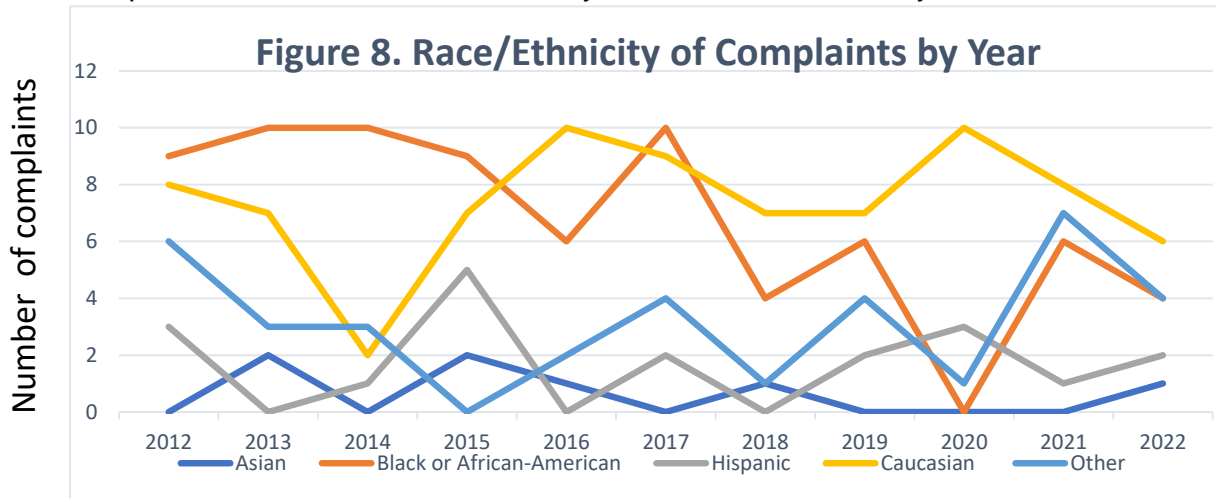
*Race & Ethnicity*

Collecting and analyzing complainant demographics like race and ethnicity is crucial for identifying and addressing any potential patterns of discrimination and bias in

<sup>19</sup> Five complainants declined to state their gender.

<sup>20</sup> Gender information is self-reported. The PAB complaint form leaves the question of gender open ended in recognition that there are more than two gender identities.

law enforcement (see Vitoroulis, et. al, 2021<sup>21</sup>). The data serves as a valuable tool for gaining deeper insights into existing disparities<sup>22</sup>, disproportionalities<sup>23</sup>, and negative perceptions<sup>24</sup> related to the Berkeley Police Department (BPD). The primary aim is to utilize this information to guide essential adjustments geared towards enhancing the overall quality of policing services, thus benefiting all members of our community. Additionally, the data can inform the ongoing monitoring of the BPD’s implementation of fair and impartial policing principles and policies<sup>25</sup> as well as the reimaging public safety framework<sup>26</sup>. The figure below illustrates the general distribution of the race/ethnicity of complainants over the last 10 years as collected by the PRC and PAB.



The data represent the racial and ethnic distribution of complainants reporting police misconduct to the PRC and PAB. Over the last ten years, the majority of complaints (81 individual complaints) have come from complainants who identify as Caucasian, followed by 74 complaints by complainants who identify as Black or African-American.

<sup>21</sup> Vitoroulis, Michael, Cameron McElhiney, and Liana Perez. 2021. Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Oversight Practices. Washington, DC: Office of Community Oriented Policing Services

<sup>22</sup> See the Berkeley City Auditor’s July 2, 2021 report: Data Analysis of the City of Berkeley’s Police Response <https://berkeleyca.gov/sites/default/files/2022-01/Data-Analysis-Berkeley-Police-Response.pdf>

<sup>23</sup> See the Center for Policing Equity’s May 2018 report: The Science of Justice: Berkeley Police Department National Justice Database City Report <https://newspack-berkeley-side-city-side.s3.amazonaws.com/wp-content/uploads/2018/05/Berkeley-Report-May-2018.pdf>

<sup>24</sup> See Appendix J (Community Engagement Report) of the Remaining Public Safety in Berkeley: Final Report and Implementation Plan [https://berkeleyca.gov/sites/default/files/documents/BerkeleyReport\\_030722.pdf](https://berkeleyca.gov/sites/default/files/documents/BerkeleyReport_030722.pdf)

<sup>25</sup> BPD Police 401- Fair and Impartial Policing: <https://berkeleyca.gov/sites/default/files/documents/BPD%20Policy%20Manual%205%204%202023.pdf>  
Fair & Impartial Policing Working Group <https://berkeleyca.gov/sites/default/files/documents/2021-02-23%20Special%20Item%2001%20Report%20and%20Recommendations%20-%20Pres%20Mayor.pdf>

<sup>26</sup> REIMAGINING PUBLIC SAFETY IN BERKELEY: FINAL REPORT AND IMPLEMENTATION PLAN [https://berkeleyca.gov/sites/default/files/documents/BerkeleyReport\\_030722.pdf](https://berkeleyca.gov/sites/default/files/documents/BerkeleyReport_030722.pdf)

Complainants who identify as Hispanic or Asian have had the lowest counts with 19 and 7 complaints respectively.

In 2021 and 2022, individuals who self-reported to be Caucasian had the highest count in both years with 8 out of 22 individuals (or 36%) in 2021 and 6 out of 17 individuals (or 35%) in 2022. Black or African-American complainants had the second highest count with 6 out of 22 individuals (or 27%) in 2021 and 4 out of 17 individuals (or 23%) in 2022. The “Other” category had the third highest count with 7 out of 22 individuals (or 31%) in 2021 and 4 out of 17 individuals (or 23%) in 2022. Hispanic complainants had a relatively low count with 1 out of 22 individuals (or 4%) in 2021 and 2 out of 17 individuals (or 11%) in 2022, while Asian complainants had the lowest count with 0 out of 22 individuals in 2021 and 1 out of 17 (or 5%) individuals in 2022. The data also shows a decrease in the counts of all racial and ethnic categories from 2021 to 2022, except for the Hispanic complainants which increased from 1 to 2 individuals. Overall, the data suggests that the majority of individuals who file police complaints with ODPa are Caucasian, followed by Black or African-American and Other.

The analysis of the available data reveals a notable underrepresentation of all racial and ethnic categories among complainants when compared to the residential demographics of the City of Berkeley. This striking observation prompts a crucial call for a deeper exploration into the potential factors contributing to this discrepancy, with a particular focus on the relatively lower counts of complaints originating from Hispanic and Asian individuals. It is incumbent upon us to engage in a comprehensive examination of the factors that may be acting as barriers or obstacles for members of these communities when it comes to participating in the complaint process.

Furthermore, this valuable data will not only guide improvements within our internal procedures but will also play a pivotal role in shaping our future outreach and communication strategies. The aim is to ensure that every community member is well-informed about the mechanisms for police accountability offered by the ODPa and the PAB. Our ongoing commitment to transparency and inclusivity necessitates that we work diligently to bridge any existing gaps in awareness and accessibility to these vital accountability resources.

### **Policy Work**

One key responsibility of the PAB is to provide advice and make recommendations to the public, City Council, and City Manager on the operation of the department, including all written policies, practices, and procedures. In addition, the Board is tasked with reviewing and recommending for City Council approval all agreements, letters, memoranda of understanding, or policies that express terms and conditions of mutual aid, information sharing, cooperation, and assistance between the Berkeley Police Department and all other local, state, and federal law enforcement, intelligence, and

military agencies, as well as private security organizations. These powers and duties ensure that the Board is able to provide effective oversight of the department and promote transparency and accountability in its operations.

To carry out its functions, a review of a BPD policy, practice, or procedure can be initiated by the Board, referred by the City Council, suggested by ODP staff, or filed as a "policy complaint" by a member of the public. Regardless of the source, the Board ultimately decides whether to take up the issue. Much of the Board's policy work is performed at the subcommittee level with the support of staff, and the Chief of Police usually assigns a BPD representative to participate in subcommittee meetings.

#### Policy Complaints

Between 2021 and 2022, the Police Accountability Board received four policy complaints in total. One of these complaints was received in 2021 and asked for a review of the Berkeley Police Department's response procedures for mental health crises. In the subsequent year, the Board launched two fact-finding inquiries into policy complaints. The first inquiry was centered on the use of force during mental health crisis response, while the second was about the detention and release of inebriated individuals. These inquiries aimed to identify any potential policy issues that needed to be addressed or procedural violations. It is important to note that in the absence of a personnel complaint from a member of the public, the Board does not have the authority to make any discipline recommendations in cases where alleged procedural violations are identified. The fourth complaint was received in 2022, which requested an examination of the BPD's policies regarding drone usage, specifically their procedures for requesting drones under "exigent circumstances."

#### Policy Subcommittees

Between the years 2021 and 2022, the PAB established ten subcommittees. Of these, two have been dissolved, leaving eight currently active. Out of these eight, five are dedicated to policy matters. The subcommittees formed by the Board are as follows:

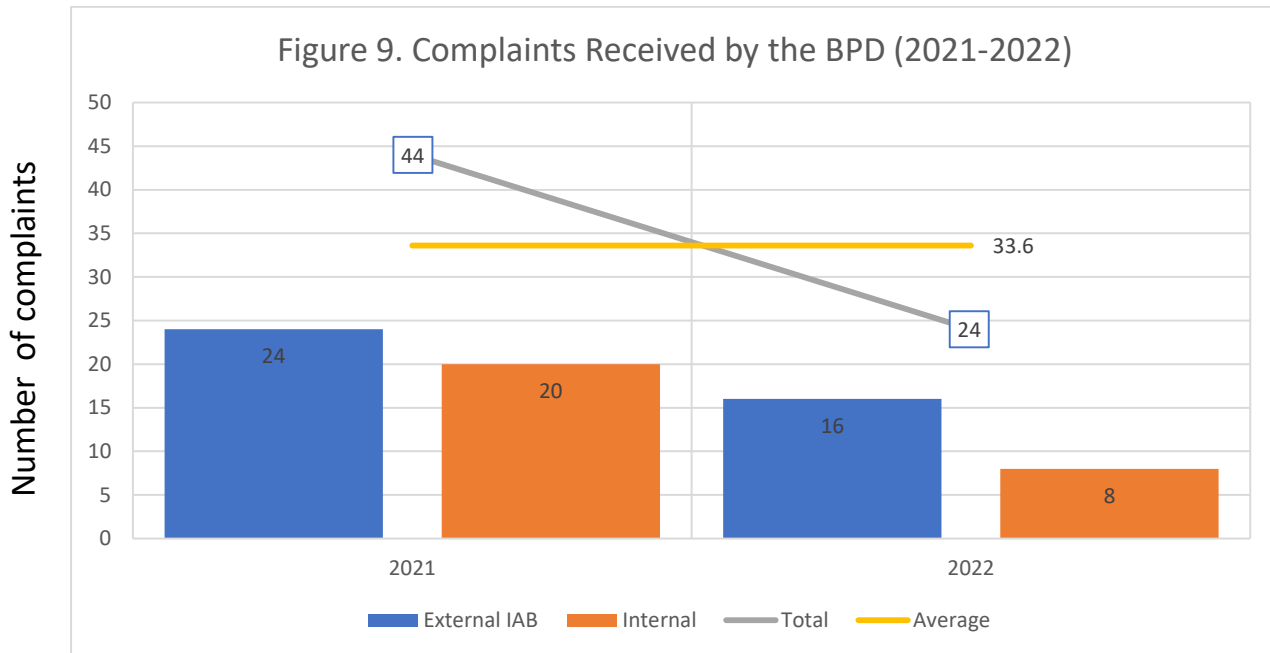
1. Regulations Subcommittee (Established on July 7, 2021)
2. Fair & Impartial Policing Implementation Subcommittee (Established on August 4, 2021)
3. Director of Police Accountability Search Subcommittee (Established on August 4, 2021)
4. Mental Health Response Subcommittee (Established on November 10, 2021)
5. PAB Budget Review Subcommittee (Established on February 23, 2022)
6. Fixed Surveillance Cameras Subcommittee (Established on February 9, 2022)
7. Controlled Equipment Use and Reporting Subcommittee (Established on May 11, 2022)
8. Chief of Police Selection Process Subcommittee (Established on September 30, 2022)

- 9. Policies and Practices Relating to the Downtown Task Force and Bike Unit Allegations (Established on November 15, 2022)
- 10. Drone Use Policy Subcommittee (Established on November 9, 2022)

## Berkeley Police Department Activity

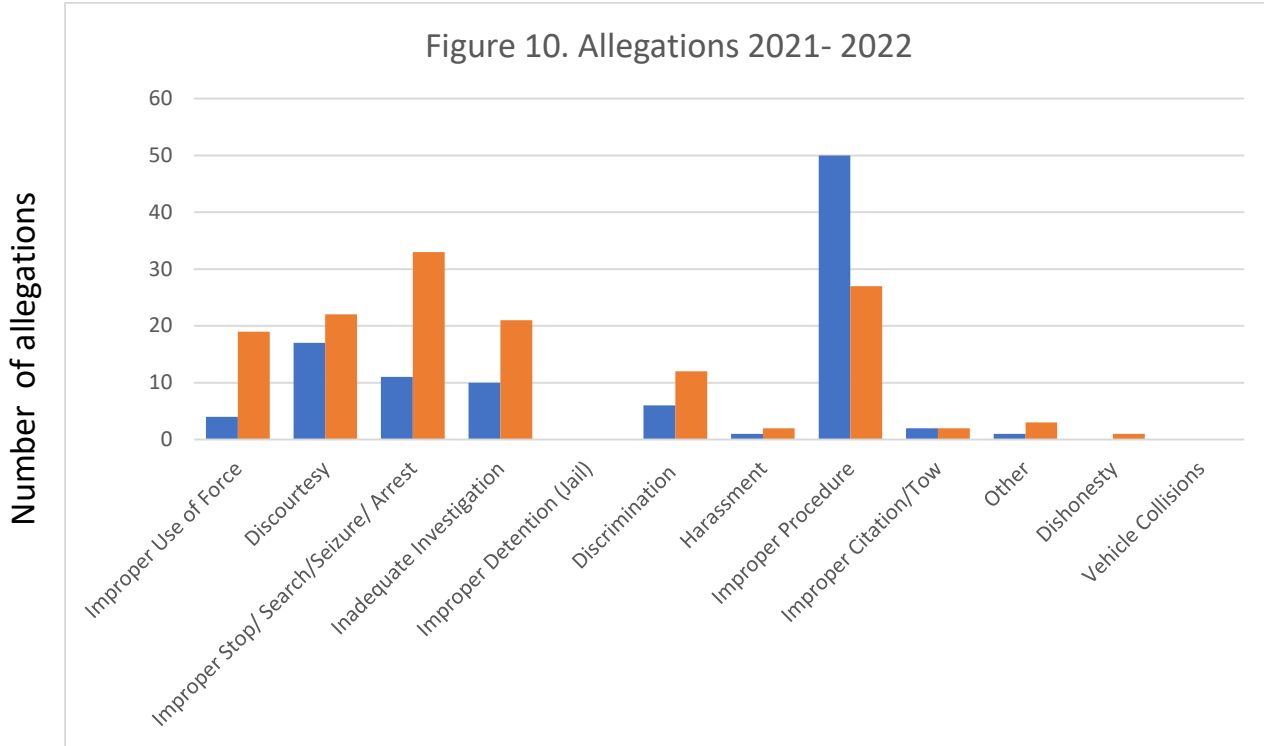
### Complaints Received by the BPD

In 2022, the Berkeley Police Department’s Internal Affairs Bureau (IAB) received twenty-four (24) complaints—sixteen (16) external complaints and eight (8) internal complaints. The number of complaints received in 2022 is twenty (20) complaints less than the number received in 2021 which was forty-four complaints. The IAB’s external complaints include complaints initially presented to the ODPa/PAB.



Within those twenty-four (24) complaints, one hundred forty-two (142) allegations have been presented. When a person files a complaint, they may indicate more than one allegation of misconduct. The most common allegation made within complaints include improper stop/search/seizure/arrest (33 allegations), improper procedure (27 allegations), discourtesy (22 allegations), and inadequate investigations (21 allegations).



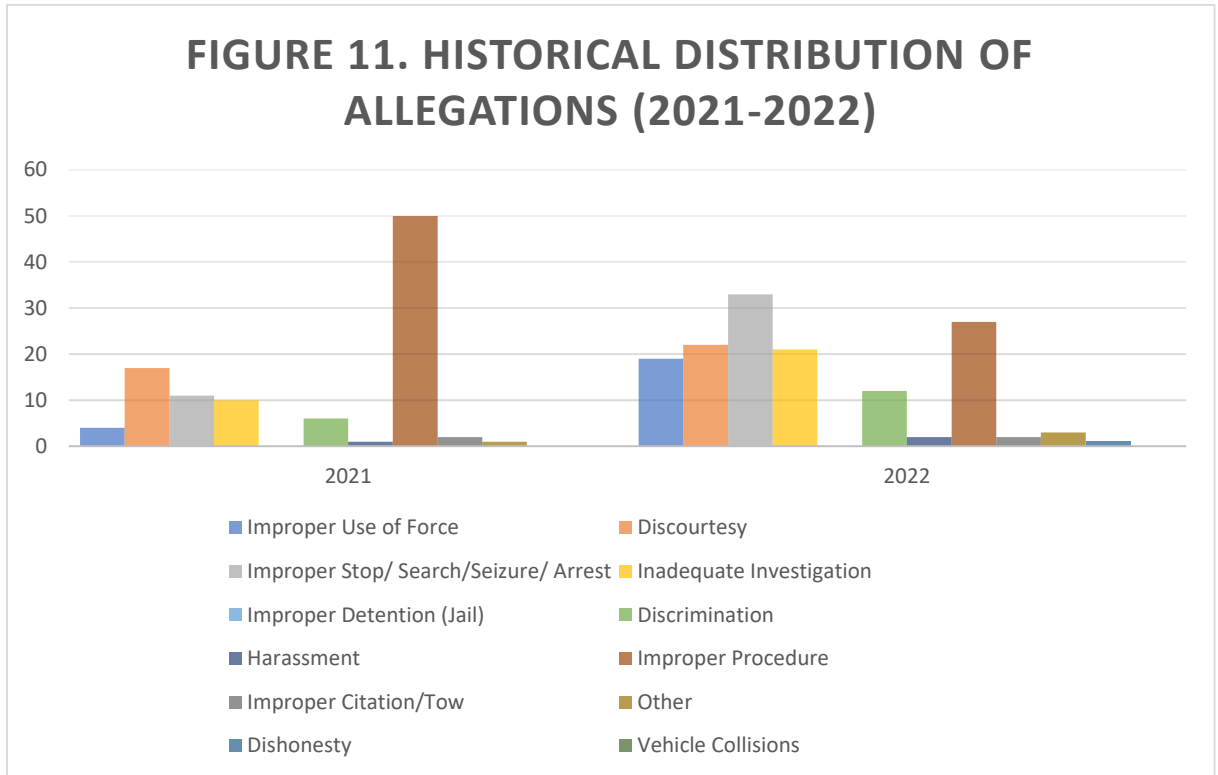


In the past year, the ODPa noted a significant increase in the number of allegations made against BPD officers, marking a substantial rise of forty (40) cases compared to the previous year. This surge in allegations underscores the importance of ongoing oversight and accountability measures within law enforcement agencies.

Upon further examination, an analysis of allegations over the past five years reveals consistent patterns. Notably, allegations related to improper procedure, discourtesy, improper stop/search/seizure, and inadequate investigations consistently emerge as the most frequently reported issues. While these trends indicate areas that necessitate attention within the BPD's policies and practices, they also suggest the need for more extensive community outreach and education initiatives.

Enhancing community understanding of the policies under which BPD officers operate is crucial. Outreach and educational efforts can bridge gaps in comprehension, build trust, and ensure that the community is well-informed about their rights and the expectations of law enforcement. This holistic approach not only addresses issues within the BPD but also strengthens the relationship between the police and the community they serve. Understanding these trends and their implications is fundamental to fostering a safer and more equitable community for all residents.

**FIGURE 11. HISTORICAL DISTRIBUTION OF ALLEGATIONS (2021-2022)**



**Table 6. Distribution of Allegations  
2021 to 2022**

Allegation	2021	2022	Total
Improper Use of Force	4	19	41
Discourtesy	17	22	77
Improper Stop/ Search/Seizure/ Arrest	11	33	65
Inadequate Investigation	10	21	54
Improper Detention (Jail)	0	0	2
Discrimination	6	12	38
Harassment	1	2	15
Improper Procedure	50	27	145
Improper Citation/Tow	2	2	11
Other	1	3	7
Dishonesty	0	1	1
Vehicle Collisions	0	0	6
<b>Total Allegations</b>	<b>102</b>	<b>142</b>	<b>462</b>

In 2022, four (4) complaints had allegations sustained, two (2) were exonerated, three (3) were unfounded, and ten (10) were administratively closed. Five (5) cases were

pending at the end of 2022. In 2021, there were seventeen (17) complaints with sustained allegations, five (5) which were non-sustained, one (1) exoneration, six (6) unfounded, and fifteen (15) administrative closures. Each of the five outcomes are defined as follows:

1. Unfounded – When the investigation discloses that the alleged acts did not occur or did not involve department members.
2. Exonerated – When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and/or proper.
3. Non-sustained – When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.
4. Sustained – A final determination by an investigation agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code Section 3304 and Government Code Section 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code Section 832.8)

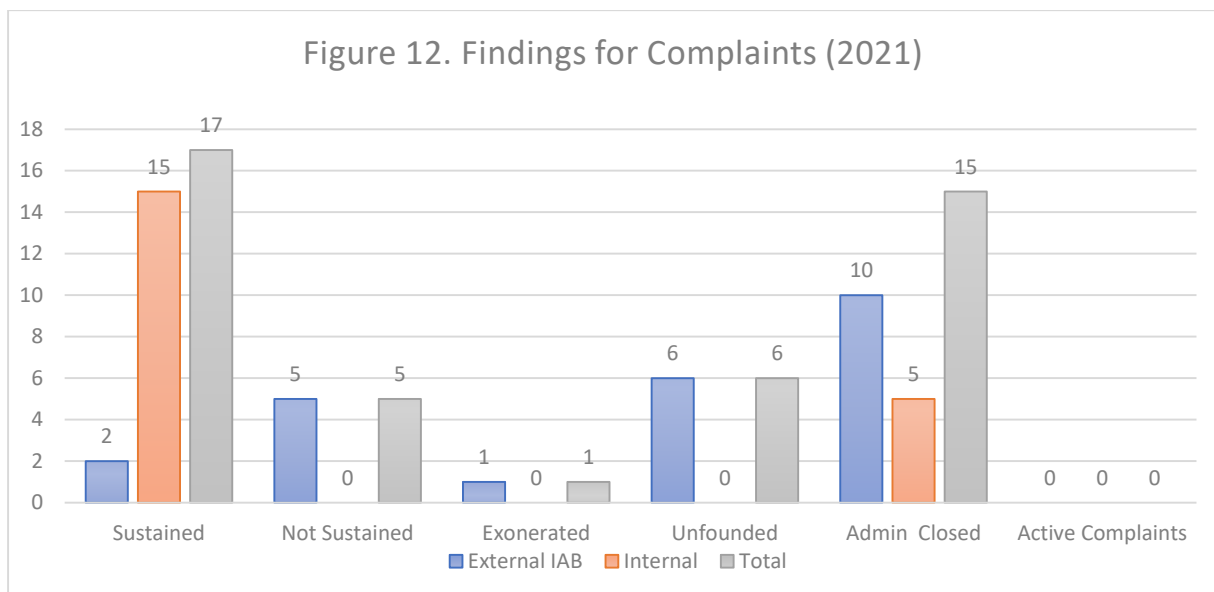
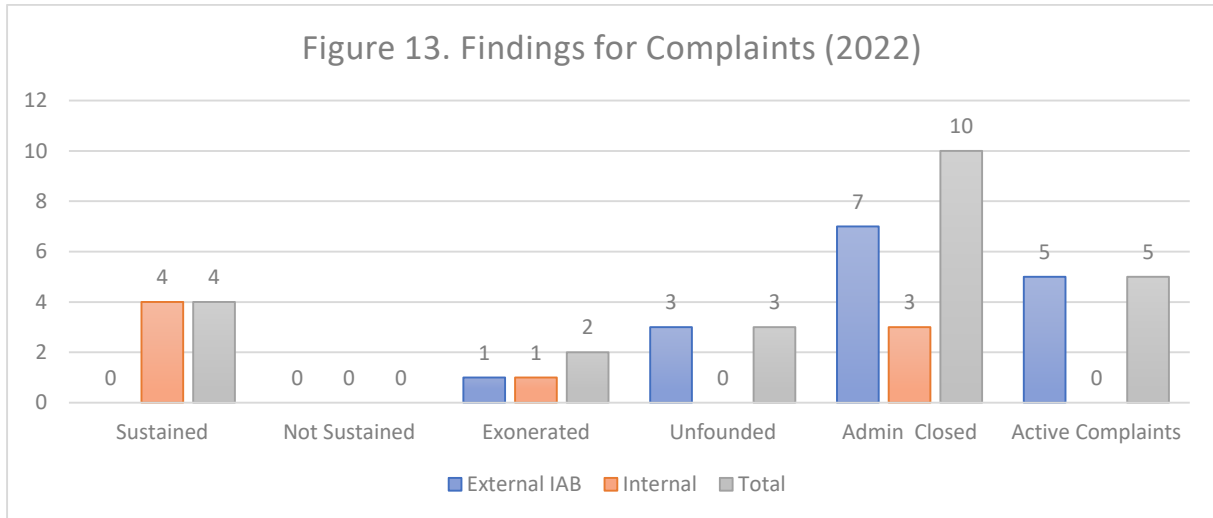


Figure 12 above and Figure 13 in the next page provide a visual representation of the BPD findings for complaints in calendar years 2021 and 2022 respectively.



As previously noted, each complaint may have one or more allegations. Table 7 provides an overview of the dispositions for each allegation.

Allegation	Sustained	Not Sustained	Exonerated	Unfounded	Admin Closed	Active Complaints
Improper Use of Force	0	0	1	4	3	11
Discourtesy	0	0	0	8	1	13
Improper Stop/Search/Seizure / Arrest	0	0	1	0	0	32
Inadequate Investigation	0	4	1	4	1	11
Improper Detention (Jail)	0	0	0	0	0	0
Discrimination	0	0	0	2	0	10
Harassment	0	0	0	0	0	2
Improper Procedure	9	4	0	2	2	10
Improper Citation/Tow	0	0	0	0	0	2
Other	0	1	0	0	0	2
Dishonesty	0	0	0	0	1	0
<b>Total Allegations</b>	<b>9</b>	<b>9</b>	<b>3</b>	<b>20</b>	<b>8</b>	<b>93</b>

### BPD Training Overview

As a collective, members of the BPD have completed an estimated 7,353 hours of training. Of those hours, 3,727 hours were completed in 2021 while 3,626 hours were completed in 2022. A list of the different training topics can be found as Appendix 2.

In future reports, the ODPa will continue to enhance its examination of the BPD's training initiatives. The quantitative analysis of training hours, as provided in the data,

serves as a valuable foundation for assessing the commitment to ongoing education within the BPD. These training hours represent a significant investment in enhancing the skills, knowledge, and professionalism of our law enforcement officers.

Beyond the quantitative aspect, it is essential to recognize the importance of qualitative analysis. The future reports will delve deeper into the specific content and quality of the training programs undertaken by BPD members. By qualitatively evaluating the training topics, their alignment with constitutional standards, and their relevance to community policing, we aim to provide a comprehensive perspective on the effectiveness of these programs.

The ODPa remains committed to ensuring that the training received by BPD officers not only meets legal requirements but also aligns with the highest standards of constitutional policing. This commitment will be reflected in future reports, where we will examine how training contributes to the department's overall professionalism and adherence to principles outlined in the City Charter, state and federal law. We believe that this comprehensive approach to training analysis will contribute to the continued enhancement of police accountability and community safety in the City of Berkeley.

### **BPD Stop Data Analysis**

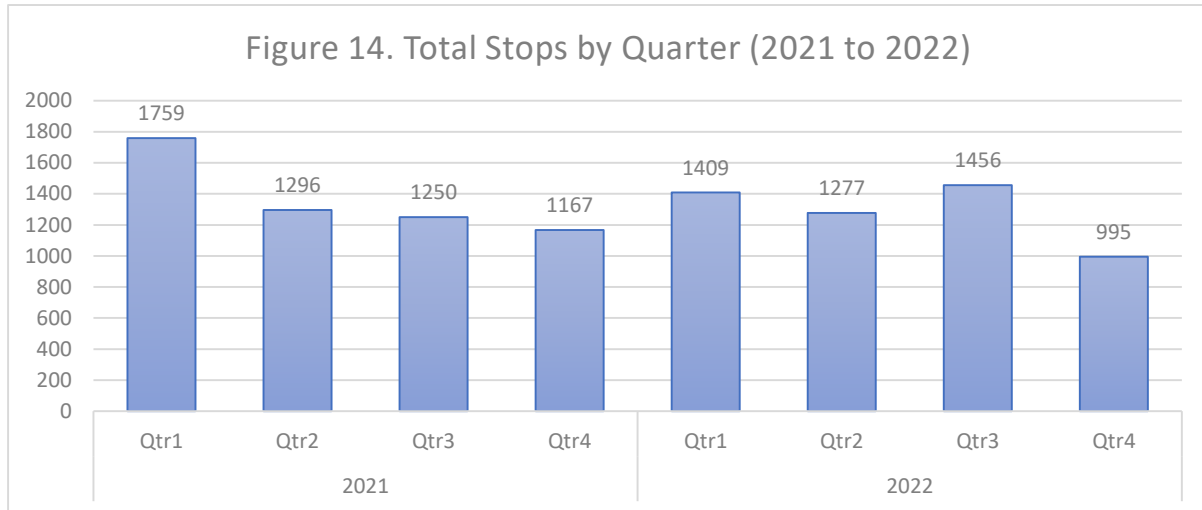
As previously highlighted, the content presented in this section of the report is in fulfillment of the mandate set forth in Section 125(16)(b)(5) of the Berkeley City Charter. This critical section necessitates an in-depth examination of the trends and patterns associated with vehicle and pedestrian stops, citations, arrests, searches, seizures, and other relevant patterns carried out by the Berkeley Police Department (BPD). Our analysis, as per the Charter's requirements, delves into a range of statistical data, including the demographics of the complainant, the reason for the stop, the purpose of the stop and its disposition, as well as the location of the stop. All of this is conducted in strict adherence to the established policies, practices, and procedures of the City and the Police Department, and in full compliance with the guidelines outlined in the Police Department Policy on Fair and Impartial Policing.

It is important to highlight and commend the Berkeley Police Department for their ongoing commitment to transparency and community engagement, exemplified through the utilization of the Transparency Hub<sup>27</sup>. This valuable tool not only facilitates public access to the data but also empowers community members to independently interact with the information, allowing them to conduct their own analyses and reviews of emerging patterns and trends.

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<sup>27</sup> To access the Transparency Hub visit: <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/>

The BPD has been collecting data on all pedestrian and traffic stops made by its officers during the period between 2021 and 2022, amounting to a total of 10,609 stops (5,466 stops in 2021 and 5,137 stops in 2022). This data collection effort is geared towards identifying and addressing any instances of racial or identity-based profiling by the BPD and promoting transparency and accountability in their law enforcement practices.



In this section, we will analyze the collected stop data per the requirements set forth by Section 125(16)(b)(5) of the Berkeley City Charter. We will examine the trends and patterns in the data, with a particular focus on identifying any potential disparities or biases that may exist in the BPD's policing practices. The findings presented herein will provide valuable insights into the strengths and areas for improvement of BPD's current practices and help inform future policy decisions aimed at improving law enforcement practices in the community.

### Stop Data Demographics

RIPA (Racial and Identity Profiling Act)<sup>28</sup> is a California law that requires law enforcement agencies in California to collect and report data on the race, ethnicity, and other demographic characteristics of the individuals they stop, detain, or search.

Specifically, the data that RIPA requires officers to collect include:

1. The perceived race or ethnicity of the individual
2. The reason for the stop or detention
3. The type of enforcement action taken, such as a warning, citation, or arrest

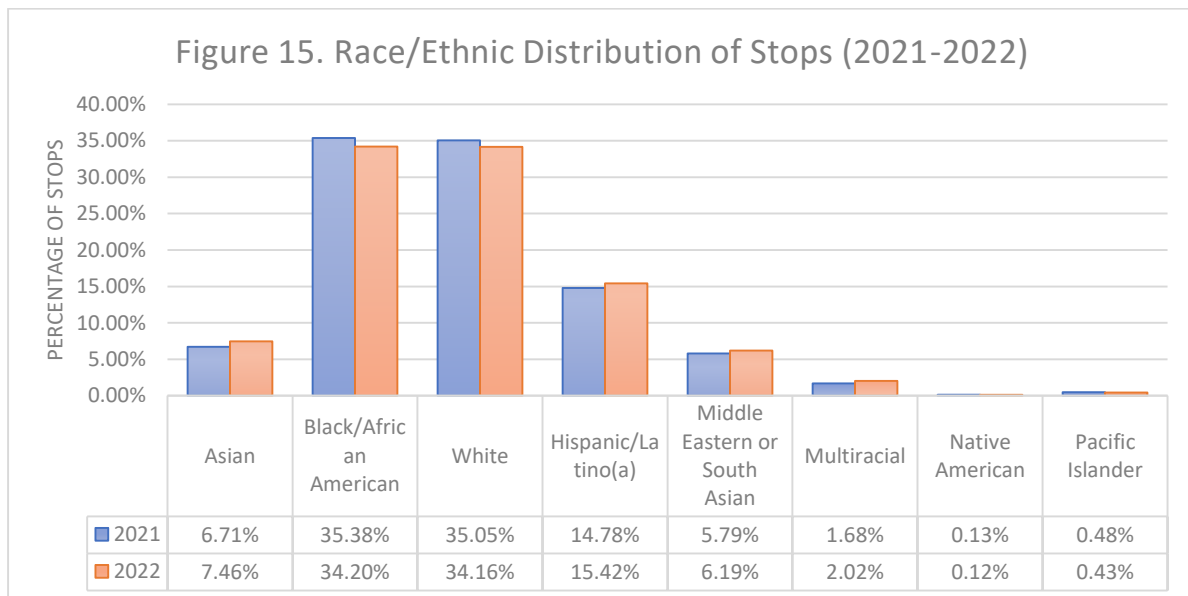
<sup>28</sup> For more information on RIPA visit: <https://oag.ca.gov/ab953>

4. The location of the stop or detention
5. The date and time of the stop or detention
6. Whether a search was conducted, and if so, the basis for the search
7. Whether any contraband or evidence was found as a result of the search
8. Whether any force was used, and if so, the type of force used
9. Whether the individual was injured as a result of the stop or detention

The data collected under RIPA is intended to help identify and address any patterns of racial or identity-based profiling by law enforcement agencies in California.

### Identity Demographics of Individuals Stopped by Officers

**Race/Ethnicity.** The table depicted in Figure 15 provides a breakdown of the ethnicity of individuals stopped by the Berkeley Police Department (BPD) in 2021 and 2022. The data shows that the most frequent ethnicity of individuals stopped by the BPD in both years was Black/African American, with a rate of 35.38% in 2021 and 34.20% in 2022. Meanwhile, the second most common ethnicity was White, with a rate of 35.05% in 2021 and 34.16% in 2022.



The Hispanic/Latino(a) ethnicity had the third highest rate of stops, with a rate of 14.78% in 2021 and 15.42% in 2022. Middle Eastern or South Asian ethnicity followed, with a rate of 5.79% in 2021 and 6.19% in 2022. Multiracial ethnicity had a rate of 1.68% in 2021 and 2.02% in 2022. Pacific Islander and Native American ethnicities had the lowest rate of

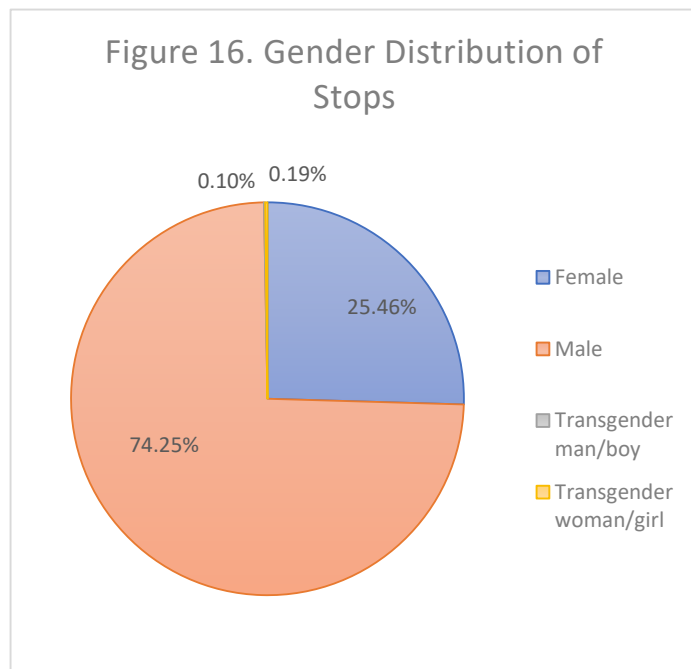
stops, with 0.48% and 0.13% respectively in 2021, and 0.43% and 0.12% respectively in 2022.

Understanding the identity demographics of individuals stopped by officers is a crucial facet of community policing. The data depicted in Figure 15 reveals the diverse ethnic makeup of individuals stopped by the Berkeley Police Department (BPD) in 2021 and 2022, shedding light on the complexity of community interactions. It is vital to consider this information within the broader context of policing practices and community relations. Notably, the data highlights the significance of addressing disparities and ensuring fair and equitable treatment for all members of the community. This calls for a nuanced examination of policing strategies and the fostering of an inclusive, unbiased police force that is sensitive to the diversity of its constituents.

**Gender.** The pie chart in Figure 16 provides the percentage breakdown of the gender distribution of individuals stopped by the Berkeley Police Department (BPD). The data shows that the majority of individuals stopped were male, accounting for 74.17% of all stops made by the BPD in 2021 and 2022 which is consistent with national trends<sup>29</sup>. Meanwhile, the percentage of females who stopped was significantly lower, accounting for 25.46% of all stops.

There were also a small number of stops involving transgender individuals, with transgender man/boy accounting for 0.10% of all stops and transgender women/girls accounting for 0.19% of all stops. When considering the total of stops, which includes all genders, the percentage of stops made by the BPD in 2021 and 2022 were distributed as follows: males (74.17%), females (25.46%), transgender man/boy (0.10%), and transgender woman/girl (0.19%).

**Age.** The data shows that the majority of people stopped by the Berkeley Police Department are between the ages of 18 and 45, accounting for 65.56% of stops in 2022 and 67.55% in



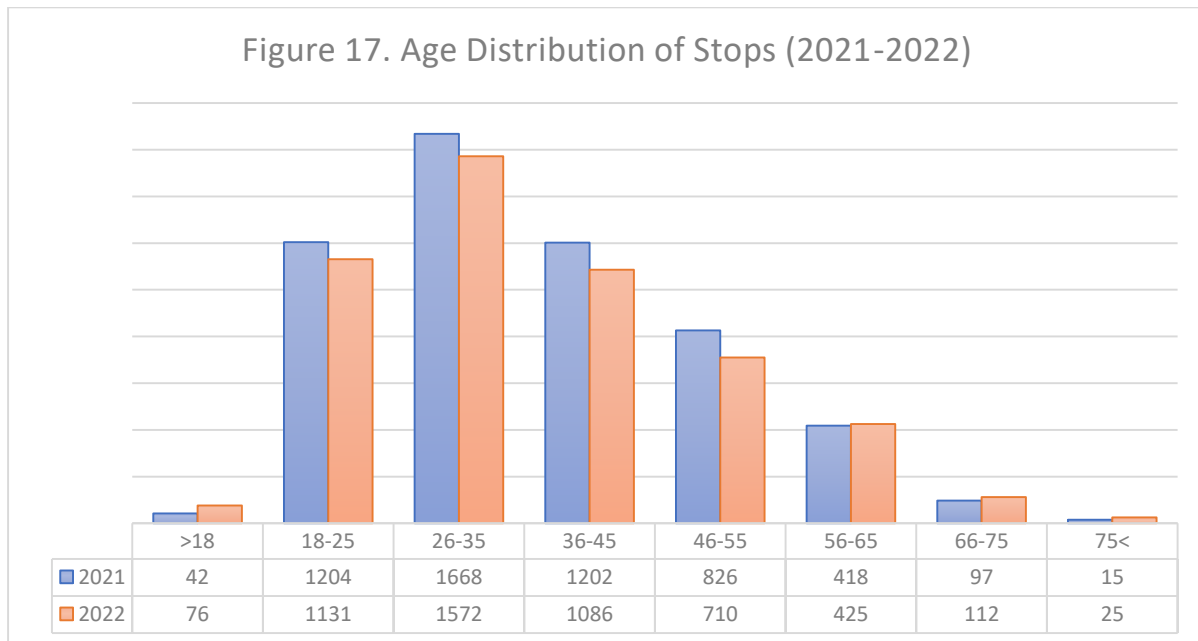
<sup>29</sup> See the DOJ's most recent Police-Public Contact Survey (PPCS) for more on national trends: Tapp, Susannah N., and Elizabeth J. Davis. "Contacts Between Police and the Public, 2020." (2022). <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/cbpp20.pdf>



2021 which, again, is also consistent with national trends<sup>30</sup> on police interactions. Additionally, the highest percentage of stops occur in the age group of 26-35, with 30.60% in 2022 and 30.48% in 2021.

It is noticeable that as people get older, the percentage of stops declines, with those over 55 accounting for an average of 10.31% of stops. Also notable, minors and those over the age of 75 have relatively low percentages of stops, comprising only 1.48% and 0.49% respectively in 2022 and 0.77% and 0.27% in 2021. Despite a slight decrease in the number of stops from 2021 to 2022, the age distribution of those stopped by the Berkeley Police Department remained consistent across the two years under review.

Figure 17. Age Distribution of Stops (2021-2022)



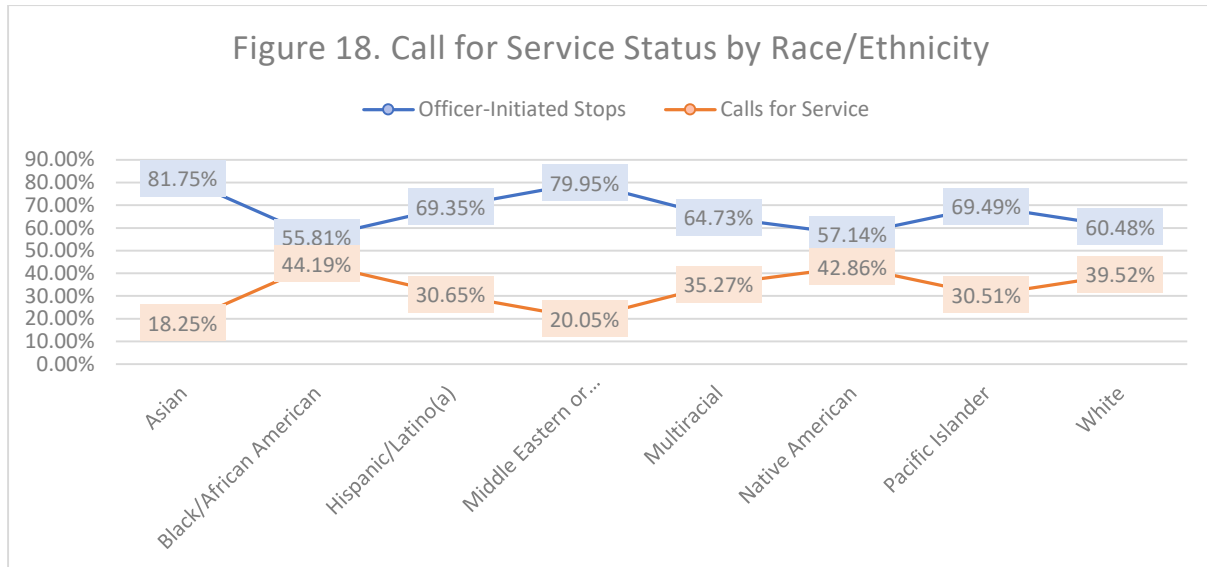
### Calls for Service

As per the Racial and Identity Profiling Act (RIPA) requirement, officers are obligated to document whether a stop was initiated in response to a call for service. The Berkeley Police Department’s data for stops in 2021 and 2022 indicates that 37.06% of stops were made as a result of calls for service while 62.94% were officer initiated.

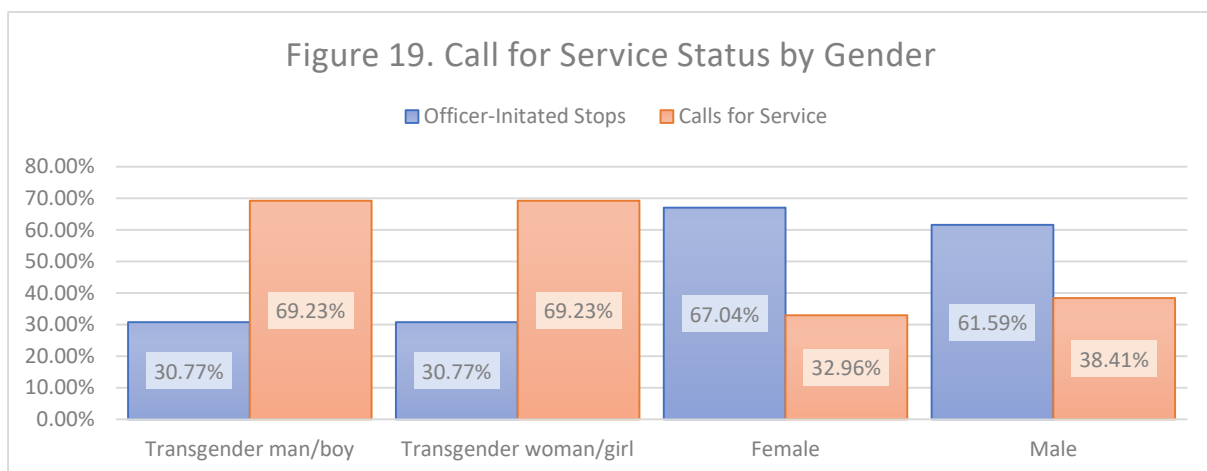
**Race/Ethnicity.** The graph presented displays the proportion distribution of responses to service calls for different racial groups. From the data, it's evident that Asian and Middle Eastern or South Asian groups have the highest proportion of responses to officer-initiated stops with 81.75% and 79.95%, respectively. However, Native American and Black/African American groups have the lowest proportions with 57.14% and 55.81%. On the other hand, for calls for service, the Black/African American group has the highest

<sup>30</sup> See Table 1 of the DOJ’s most recent Police-Public Contact Survey (PPCS): Tapp, Susannah N., and Elizabeth J. Davis. "Contacts Between Police and the Public, 2020." (2022). <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/cbpp20.pdf>

proportion of responses with 44.19%, whereas the Asian group has the lowest proportion with 18.25%. Overall, the graph highlights that the proportion of responses to officer-initiated stops is consistently higher than the proportion of responses to calls for service for all racial groups.

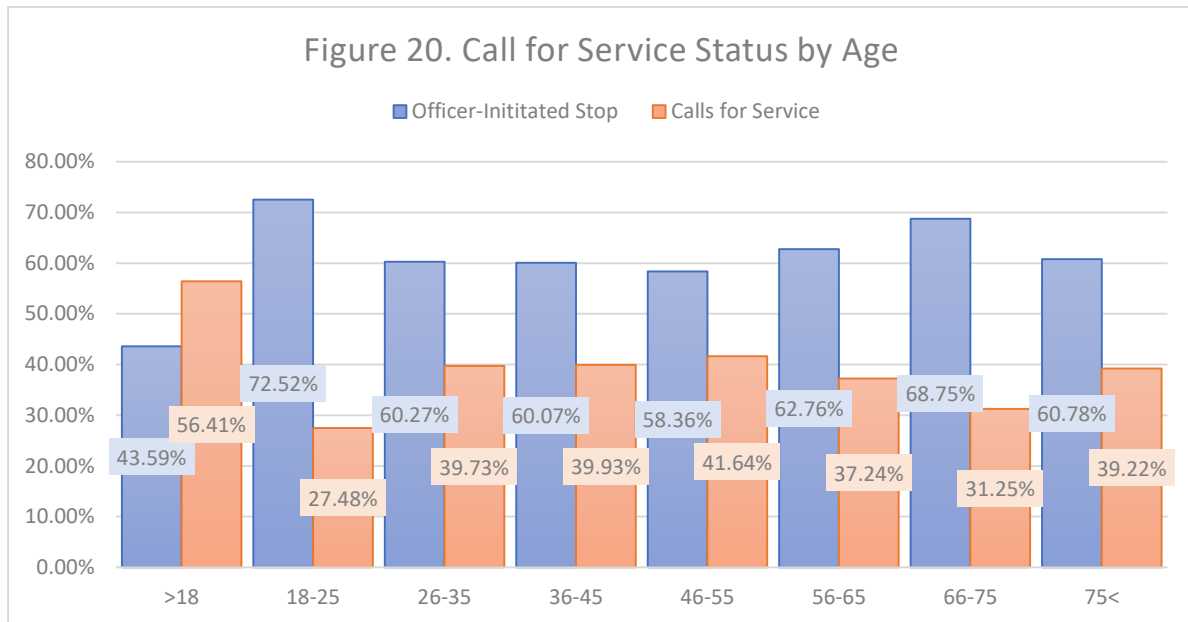


**Gender.** The graph illustrates the proportion distribution of responses to service calls for different gender groups. According to the graph, the female group has the highest proportion of responses to officer-initiated stops with 67.04%, while the transgender man/boy and transgender woman/girl groups have the lowest proportions with 30.77%. On the other hand, for calls for service, the transgender man/boy and transgender woman/girl groups have the highest proportion of responses with 69.23%, while the male group has the lowest proportion with 38.41%.

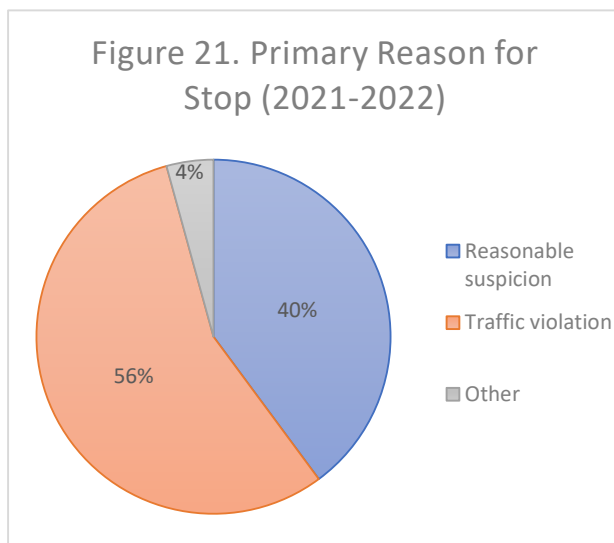


**Age.** The data displayed in the chart reveals the proportion distribution of responses to service calls for different age groups. Officer-initiated stops had the highest proportion of

responses for the 18-25 age group with 72.52%, while the >18 age group had the lowest proportion with 43.59%. For calls for service, the >18 age group had the highest proportion of responses with 56.41%, whereas the 66-75 age group had the lowest proportion with 31.25%. Overall, the chart indicates that the proportion of responses to officer-initiated stops is higher than the proportion of responses to calls for service for all age groups.



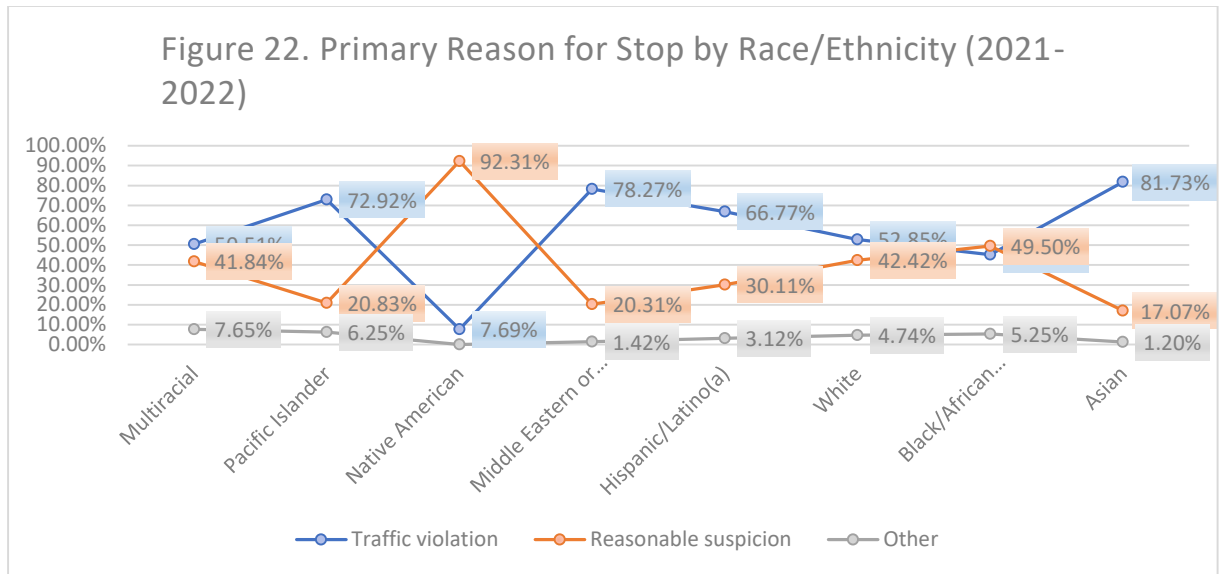
### Primary Reason for Stop



Both pedestrian and vehicle stops require officers to disclose the main cause behind the initiation of the stop. Despite the possibility of multiple reasons for the stop, officers are only required to mention the primary reason that guided their decision. The highest frequency of stops between 2021 and 2022 resulted from traffic stops (55.86%), followed by reasonable suspicion (39.86%). The remaining reasons, which collectively represent less than 5% of the data, are classified under the "other" category in subsequent sections.

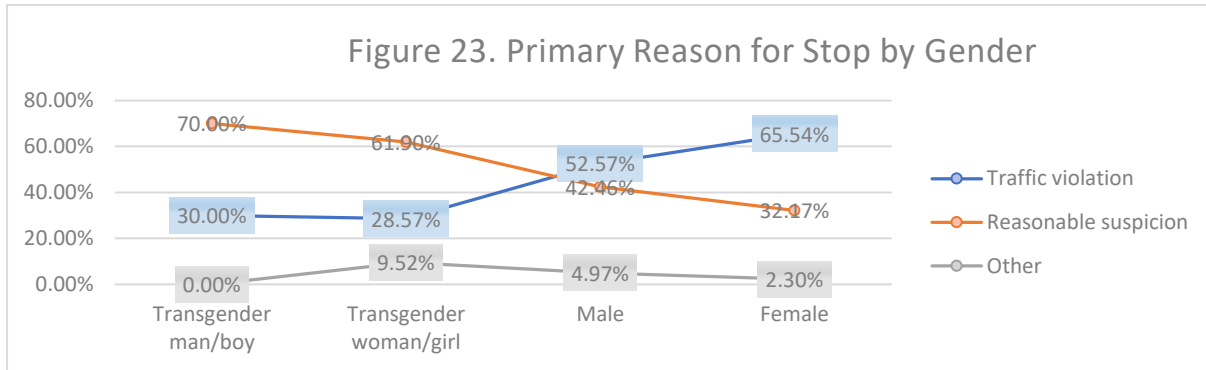
**Race/Ethnicity.** According to the data, Middle Eastern or South Asian and Asian groups have the highest proportion of traffic violation stops, with 78.27% and 81.73%, respectively. The Native American group has the highest proportion of stops made for

reasonable suspicion, with 92.31% of all stops, followed by the Black/African American group with 49.50%. The Pacific Islander group has the highest proportion of stops made for reasons other than traffic violations or reasonable suspicion, with 6.25%. The rate of stops made for traffic violations is higher for Middle Eastern or South Asian, Asian, and White groups compared to Black/African American and Hispanic/Latino(a) groups. Conversely, the rate of stops made for reasonable suspicion is higher for Native American and Black/African American groups compared to other groups.

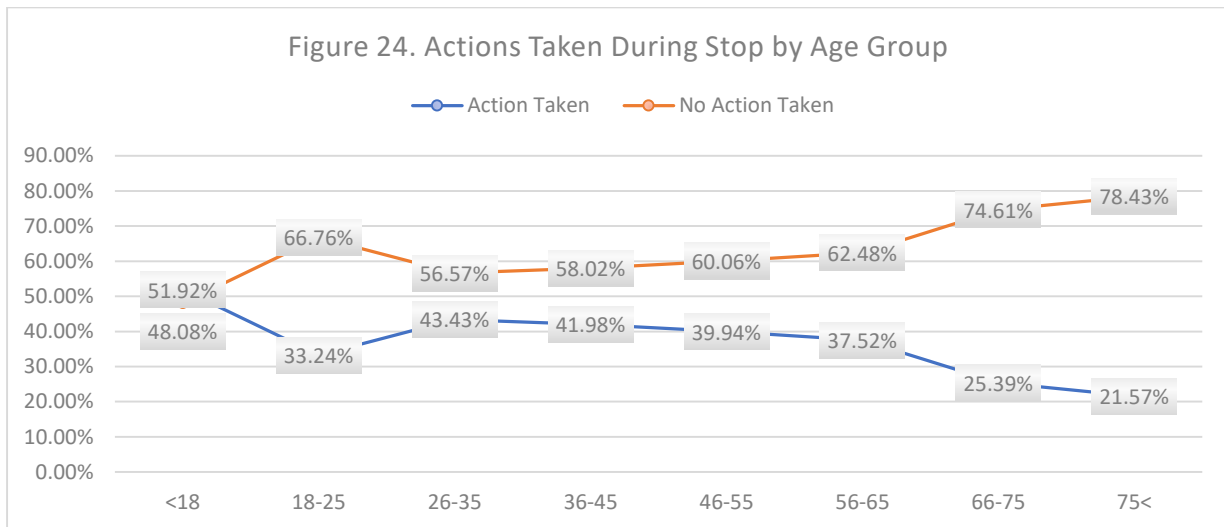


**Gender.** The data indicate that females have the highest proportion of stops made for traffic violations, accounting for 65.54% of all stops. Males follow closely behind with 52.57% of all stops being made for traffic violations. These trends are not consistent with national trends<sup>31</sup>. On the other hand, transgender men/boys and transgender women/girls have the lowest proportions of stops made for traffic violations, at 30.00% and 28.57%, respectively. Conversely, transgender man/boy has the highest proportion of stops made for reasonable suspicion, accounting for 70.00% of all stops, followed by transgender woman/girl with 61.90%. Males and females have lower proportions of stops made for reasonable suspicion, at 42.46% and 32.17%, respectively. Transgender woman/girl has the highest proportion of stops made for "other" reasons, accounting for 9.52% of all stops, while females have the second-highest proportion of stops made for "other" reasons, at 2.30%.

<sup>31</sup> See Table 4 of the DOJ's most recent Police-Public Contact Survey (PPCS): Tapp, Susannah N., and Elizabeth J. Davis. "Contacts Between Police and the Public, 2020." (2022). <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/cbpp20.pdf>

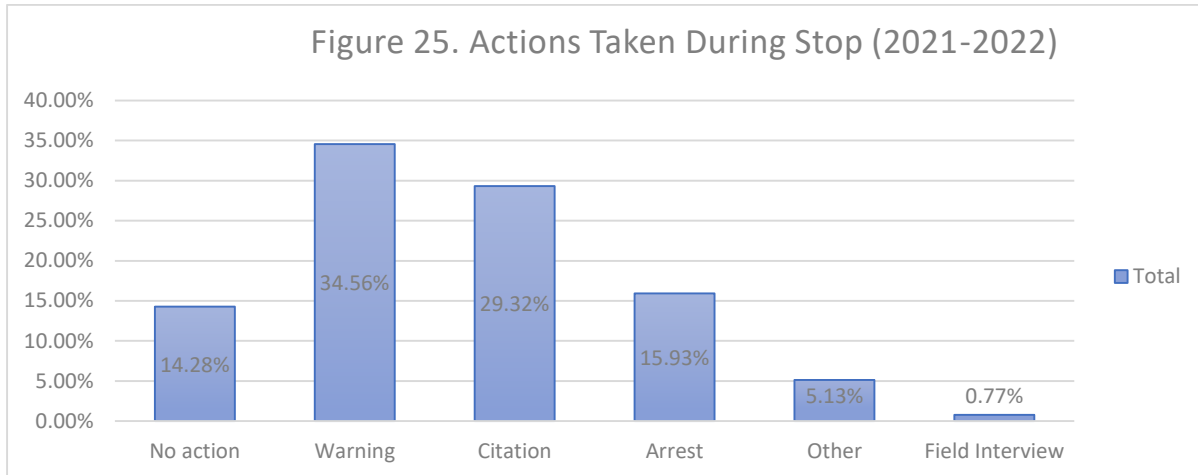


**Age.** The proportion of stops made for traffic violations varies across different age groups, with those aged 75 and older having the highest proportion of stops made for this reason at 72.55%. Conversely, those under 18 have the lowest proportion of stops made for traffic violations, at 38.46%. In contrast, the proportion of stops made for reasonable suspicion is highest among those under 18, at 59.62%, and decreases with increasing age, with those aged 75 and older having the lowest proportion of stops made for this reason, at 27.45%. The proportion of stops made for "other" reasons is relatively low across all age groups, with those under 18 having the highest proportion of stops made for this reason, at 1.92%.

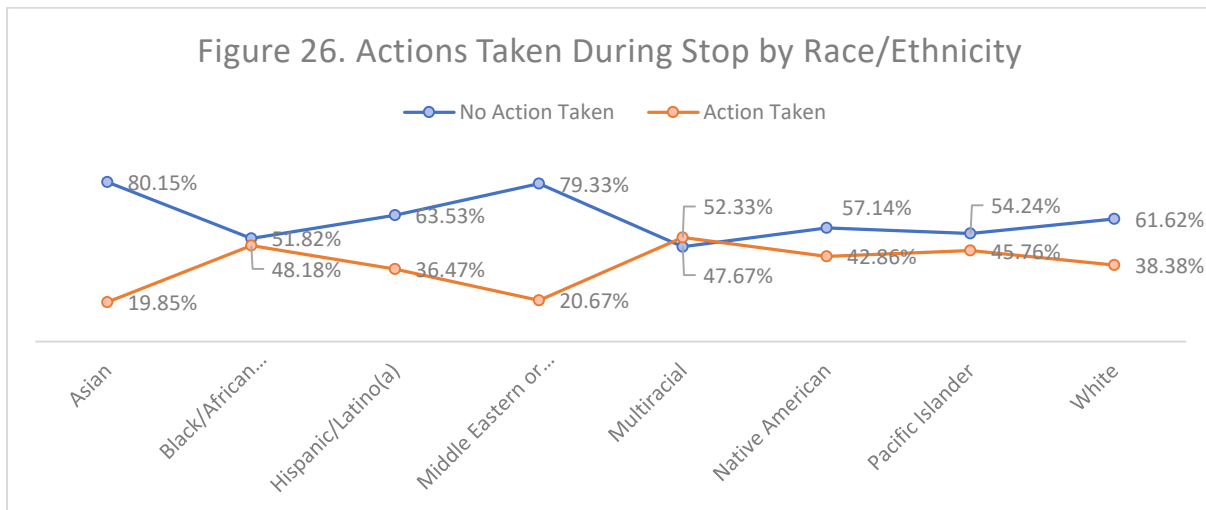


**Result of Stop**

Between 2021 and 2022, Individuals were most often issued a warning (34.56%), followed by a warning (26.3%), and then arrest (15.93%). Officers indicated they took no reportable action toward 14.28% of stopped individuals. Each of the "other" results represented less than 6% of the data.



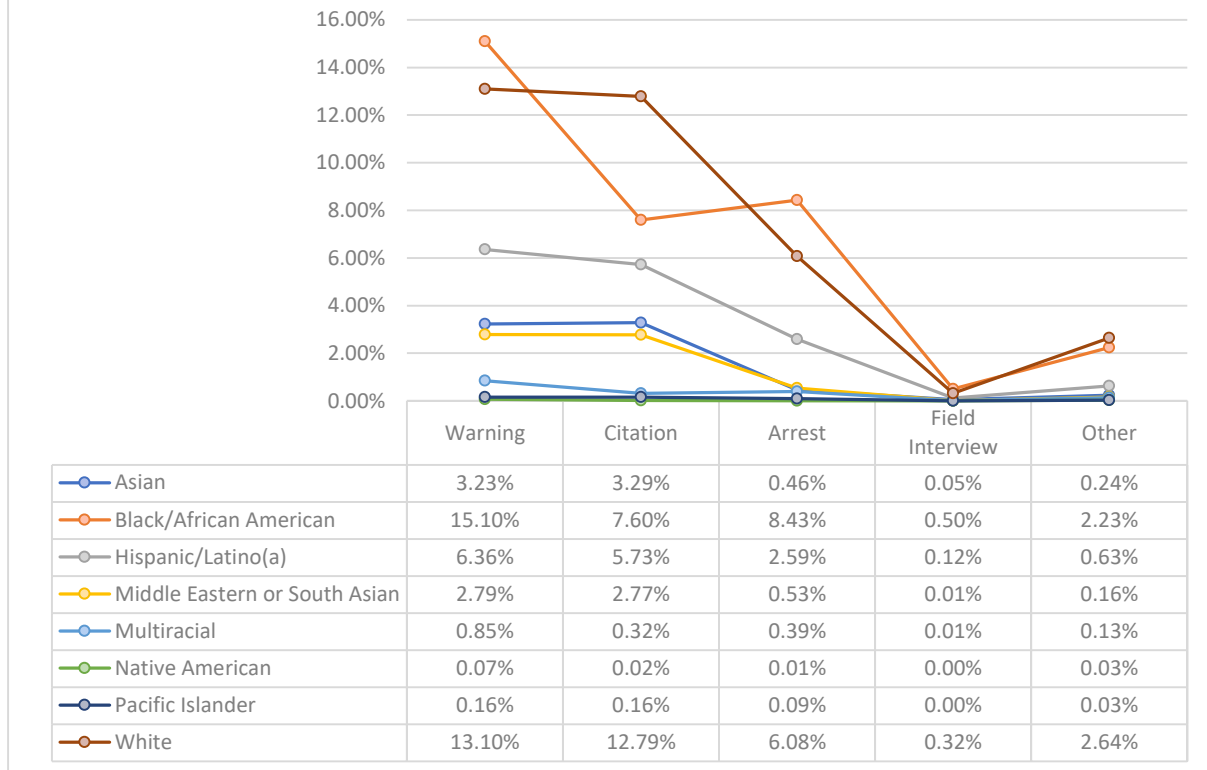
**Race/Ethnicity.** When considering the ethnicity of individuals stopped by the Berkeley Police Department between 2021 and 2022, the percentage of cases where no action was taken was highest for Asians at 80.15%, followed by Middle Eastern or South Asian at 79.33%, Hispanic/Latino(a) at 63.53%, White at 61.62%, Native American at 57.14%, Black/African American at 51.82%, Pacific Islander at 54.24%, and Multiracial at 47.67%. Conversely, the group with the highest percentage rate of action taken against them was Multiracial, with 52.33% of cases resulting in some form of action. This was followed by Black/African American at 48.18%, Pacific Islander at 45.76%, Native American at 42.86%, White at 38.38%, and Asian at 19.85%.



When looking at the breakdown of ethnicity in the given data, it was noted that there are variations between different types of dispositions in the encounters. For instance, "Warning" has the highest percentage of "Black/African American" at 15.10%, followed by "White" at 13.10%. "Citation" has the highest percentage of "White" at 12.79%, followed by "Black/African American" at 7.60%. "Arrest" has the highest percentage of "Black/African American" at 8.43%, followed by "White" at 6.08%. "Field Interview" has

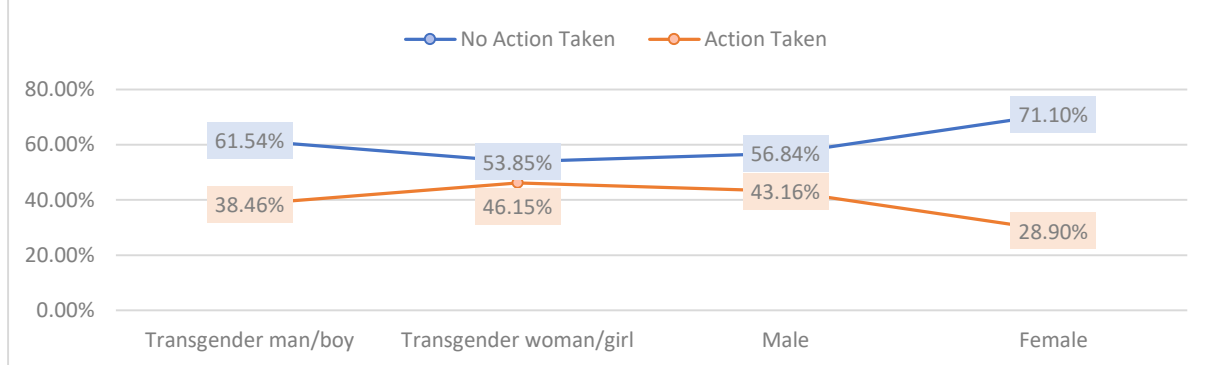
the lowest percentage of all ethnicities, with "Black/African American" being the highest at 0.50%, followed by "White" at 0.32%. Lastly, "Other" has the highest percentage of "White" at 2.64%, followed by "Black/African American" at 2.23%.

Figure 27. Actions Taken During Stop by Race/Ethnicity



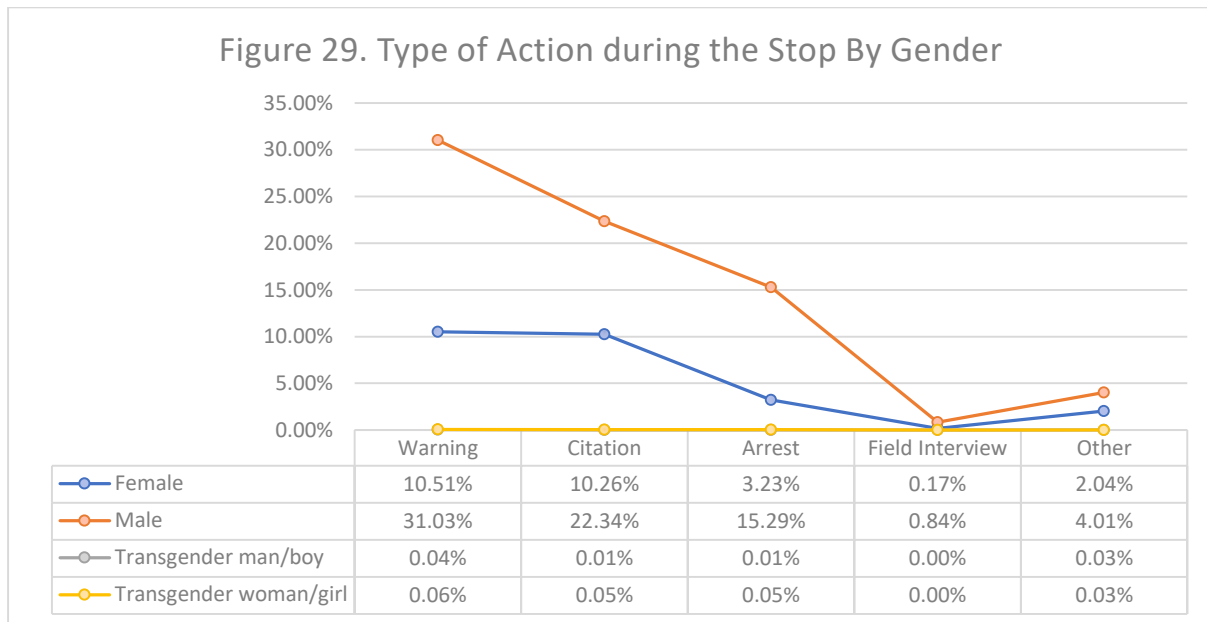
**Gender.** According to the data, individuals perceived to be transgender women/girls had the highest percentage of stops where officers took action, with a proportion of 46.15%. Cisgender males had the second highest proportion with 43.16%, followed by transgender men/boys at 38.46% and cisgender females at 28.90%.

Figure 28. Actions Taken During Stop by Gender



When looking at the types of stops, the proportion of females and males stopped for warnings and citations is similar, with females accounting for 10.51% and 10.26% of warnings and citations, respectively, and males accounting for 31.03% and 22.34%, respectively. However, the proportion of males stopped for arrests is much higher than that of females, with males accounting for 15.29% of all arrests compared to only 3.23% for females.

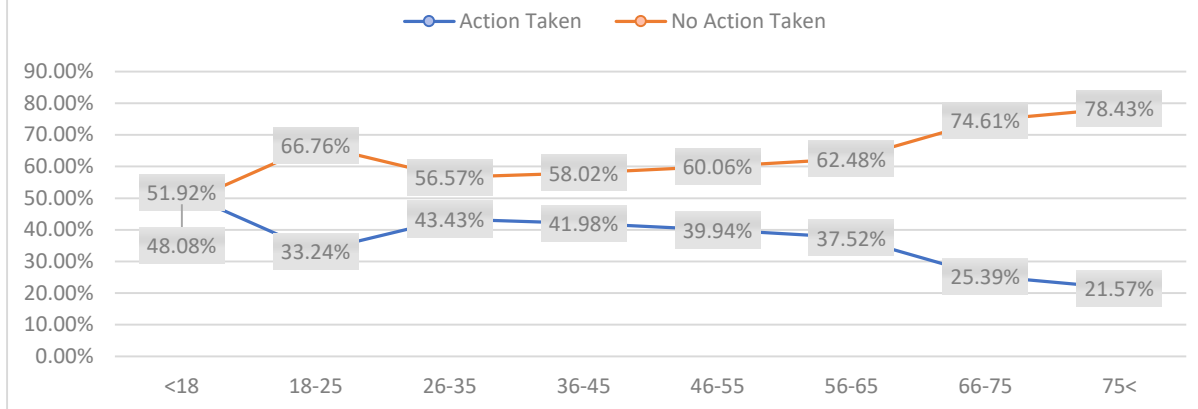
The proportion of females and males stopped for field interviews and other types of stops is also relatively low, with females accounting for 0.17% and 2.04% of field interviews and other stops, respectively, and males accounting for 0.84% and 4.01%, respectively.



**Age.** According to the data, the highest proportion of stops resulting in no action taken between 2021 and 2022 was observed among individuals aged 75 and older, with a percentage of 78.43%. In contrast, the lowest proportion of stops resulting in no action taken was observed among those aged under 18, with a percentage of 48.08%. Conversely, the highest proportion of stops resulting in action taken by the officer was observed among individuals aged under 18, with a percentage of 51.92%, while the lowest proportion was observed among those aged 75 and older, with a percentage of 21.57%. Furthermore, the data shows that the proportion of stops resulting in action taken by the officer gradually decreased with increasing age, except for the age group 66-75, which had a slightly higher proportion of no action taken compared to the age group 56-65.



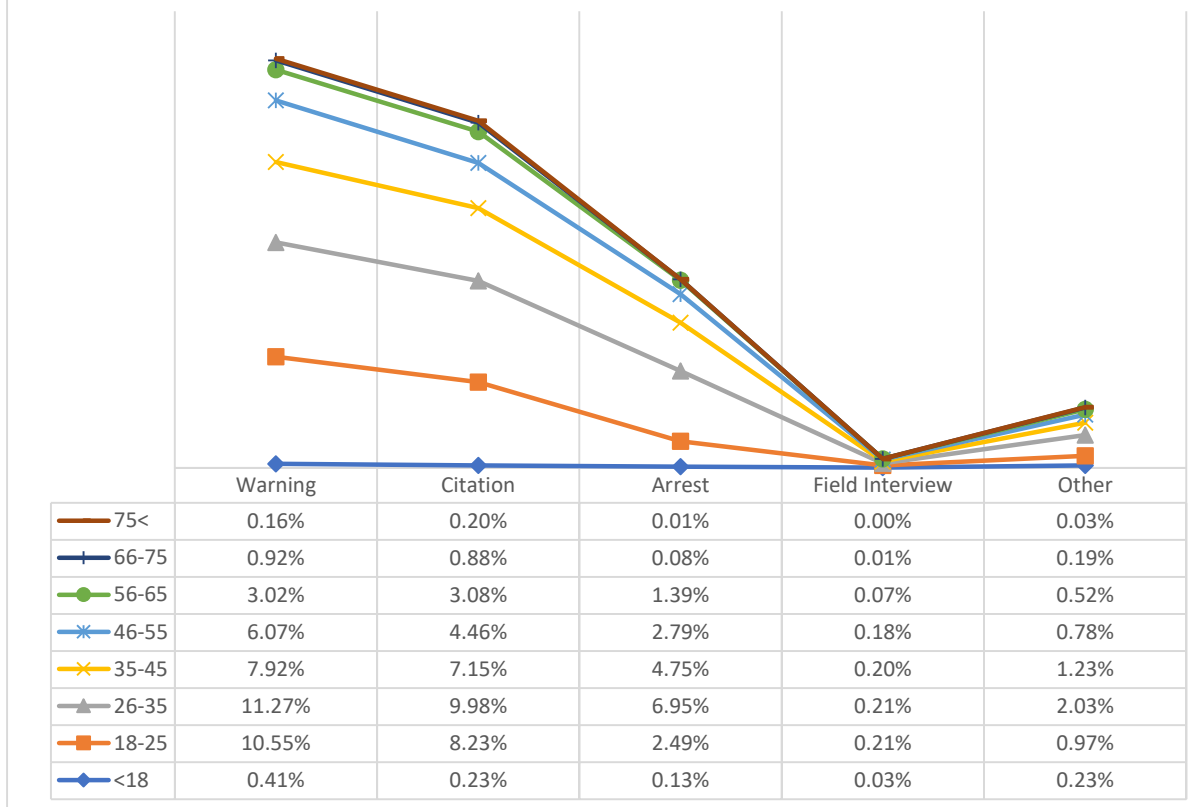
Figure 30. Actions Taken During Stop by Age Group



Warnings were the most common action taken by law enforcement, accounting for 40.32% of actions taken, followed by citations (34.21%), arrests (18.58%), and other actions (5.98%). Individuals aged 18-24 accounted for the highest percentage of law enforcement actions taken (25.25%), with the percentage of actions taken decreasing with increasing age, and individuals aged 75 and older accounted for the lowest percentage of actions (0.41%).

When looking at the types of actions taken by law enforcement, warnings were the most common action for all age groups, with individuals between the ages of 18 and 24 receiving the highest percentage of warnings (47.92%), and individuals aged 75 and older receiving the lowest percentage of warnings (25.99%). Citations were the second most common action taken, with individuals aged 18-24 receiving the highest percentage of citations (34.86%) and individuals aged 75 and older receiving the lowest percentage of citations (13.01%). Arrests were the third most common action taken, with individuals aged 18-24 accounting for the highest percentage of arrests (29.36%), and individuals aged 75 and older accounting for the lowest percentage of arrests (0.14%).

**FIGURE 31. TYPE OF ACTION TAKEN DURING STOP BY AGE GROUP**



### Tests for Racial/Ethnic Disparities<sup>32</sup>

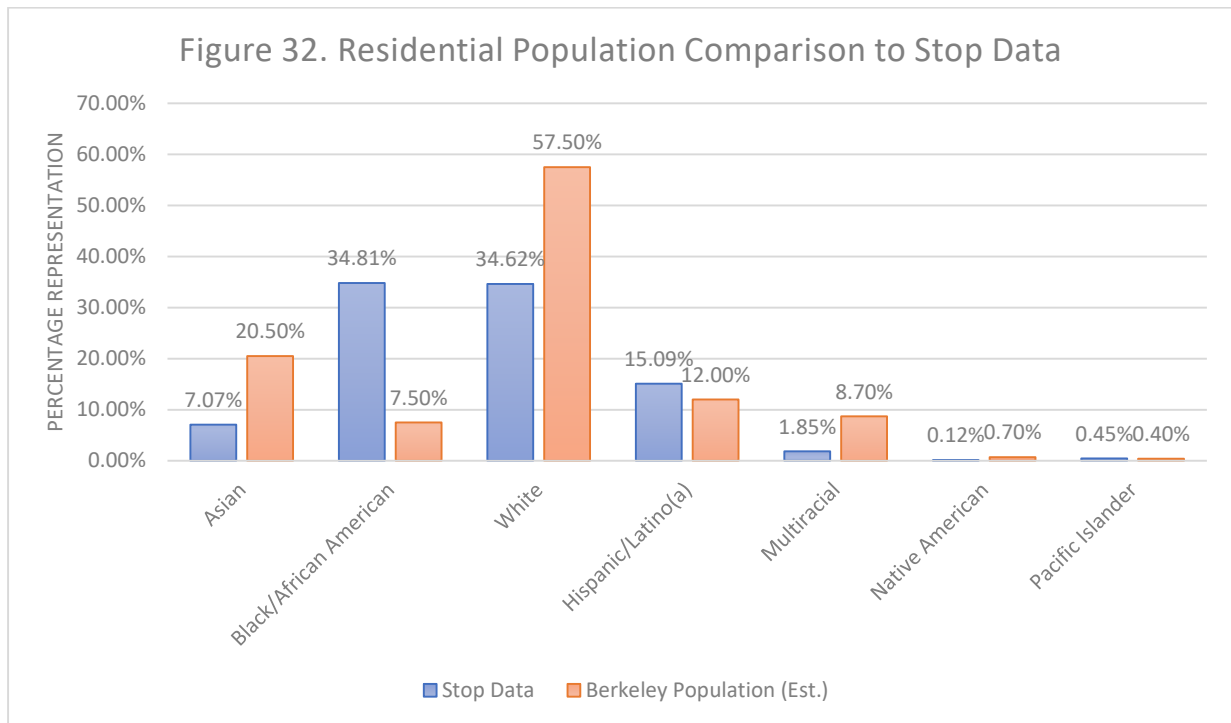
#### Residential Population Comparison

A commonly used analysis method (or benchmark) involves comparing stop data to residential population data, assuming that the demographics of those stopped are representative of the demographics of residents within a comparable geographic area.

<sup>32</sup> Consistent with past RIPA Board Annual Reports and the BPD's own use of this technique in the Transparency Hub, the ODPa contemplated the inclusion of an additional analysis in this annual report, known as the "veil of darkness" analysis. This method aims to explore racial disparities in law enforcement stops by assessing whether it is more challenging for police officers to perceive the race/ethnicity of individuals before stopping them during nighttime compared to daylight. The hypothesis behind this analysis, often referred to as the veil of darkness (VOD), suggests that darkness may decrease the likelihood of racial/ethnic disparities in stops, as it becomes harder to identify someone at night.

However, due to constraints related to human resources, both within the ODPa and the Police Accountability Board (PAB) during the production of this report, the ODPa opted not to include the VOD analysis. Nevertheless, the ODPa acknowledges that such an analysis could hold value for future reports. It is essential to recognize the limitations of the VOD analysis and the intricacies of establishing an appropriate benchmark for assessing racial disparities in law enforcement stops.

However, this assumption may not always hold, as individuals may travel far from their homes for various reasons. To estimate the expected demographic breakdown of stop data for 2021 and 2022 in the City of Berkeley, California, residential population demographics from the United States Census Bureau's 2022 American Community Survey (ACS) were used as a benchmark. As noted in the California RIPA Board 2023 Annual Report<sup>33</sup>, differences between the proportions of racial/ethnic groups in the stop data and those in residential populations can be attributed to factors such as differences in exposure to criminogenic factors, allocation of law enforcement resources, the presence of non-resident populations in certain areas (such as retail centers, employment centers, tourist attractions, etc.), and potential officer bias. This analysis compares the racial/ethnic distribution of those stopped by agencies to the racial/ethnic distribution of residents in the same areas served by those agencies, using the available stop data for 2021 and 2022.



Consistent with prior independent analyses on stop data (i.e. CPE, 2018 and Berkeley City Auditor, 2021) the data explored in this report also demonstrates disparities in stop data when residential population is used as the benchmark.

The most notable disparities are in the stop data for Black/African American individuals and White individuals. The stop data indicates that Black/African American

<sup>33</sup> For the full California RIPA Board 2023 Annual Report visit: <https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf>

individuals are stopped at a much higher rate than their proportion of the population, while White individuals are stopped at a lower rate than their proportion of the population.

Specifically, Black/African American individuals make up 7.5% of the Berkeley population but are stopped at a rate of 34.81%. This represents a significant overrepresentation in the stop data. Conversely, White individuals make up 57.5% of the population but are stopped at a rate of only 34.62%. This represents a significant underrepresentation in the stop data.

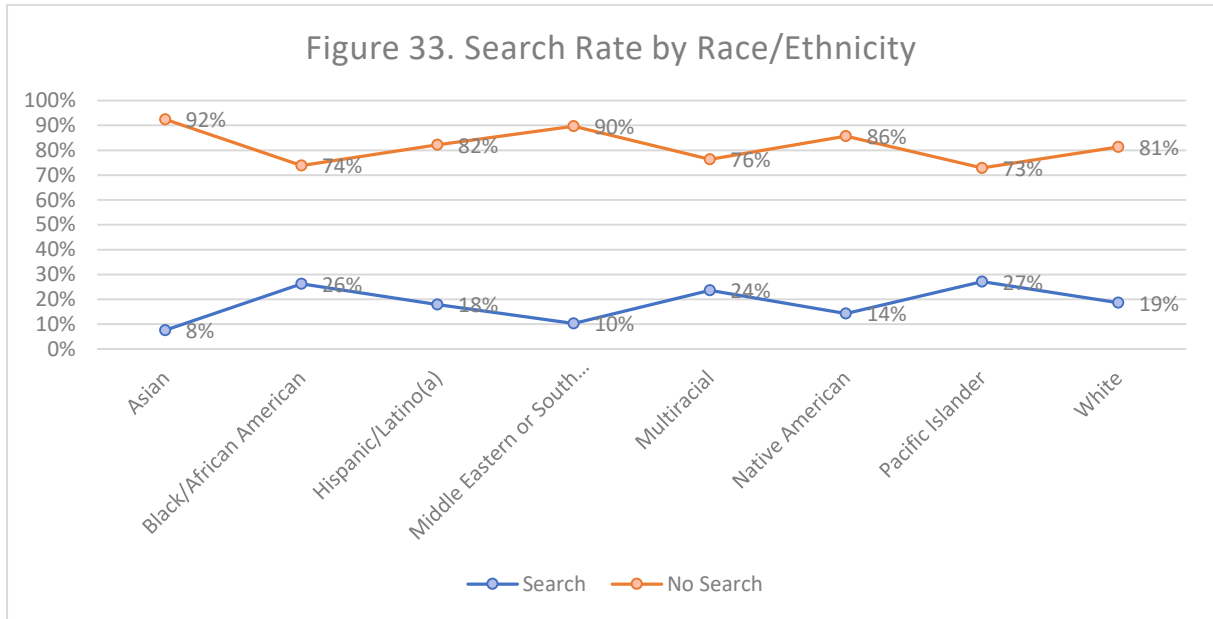
There are also disparities in the stop data for Asian individuals and Hispanic/Latino(a) individuals, although they are not as pronounced as those for Black/African American and White individuals. Asian individuals make up 20.5% of the population but are stopped at a rate of 7.07%. Hispanic/Latino(a) individuals make up 12% of the population but are stopped at a rate of 15.09%.

It is also worth noting that there are disparities in the data for multiracial individuals and Pacific Islanders, although these groups make up a relatively small proportion of both the population and the stop data.

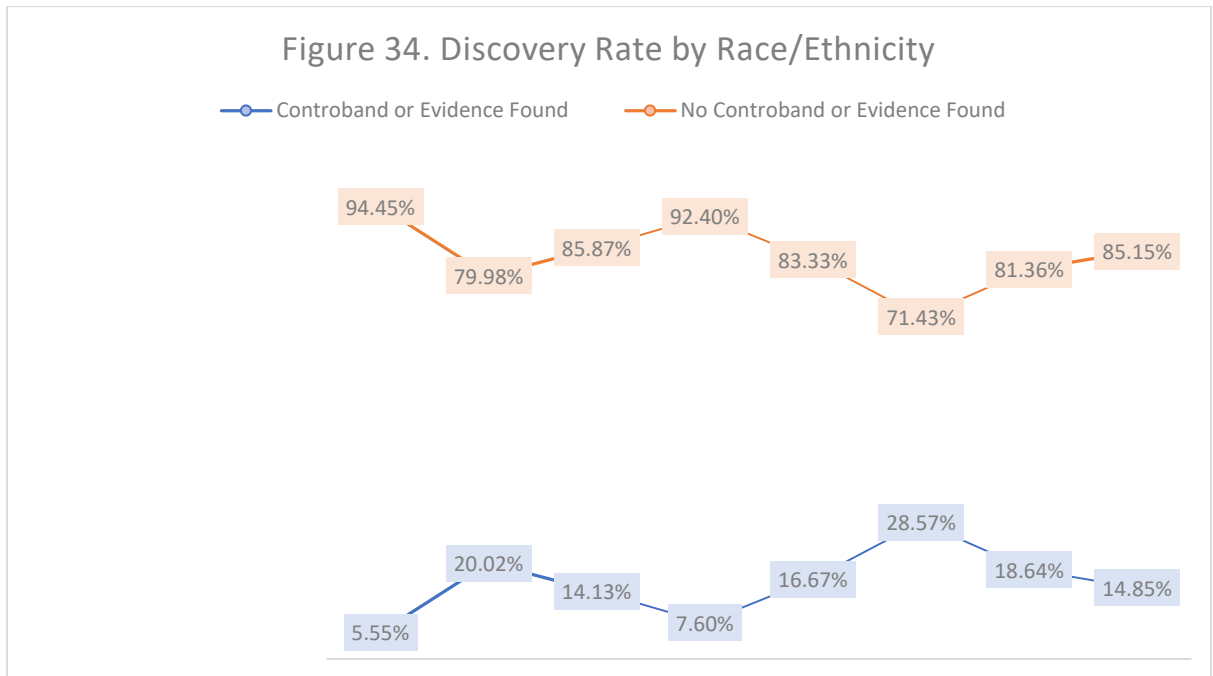
#### Discovery Rate Analysis

The ODPa performed a discovery rate analysis using an empirical test to evaluate whether officers exhibited differential treatment towards individuals belonging to different racial or ethnic groups during their searches for contraband or evidence. The test assumed that if officers search individuals belonging to a particular identity group more frequently but found less contraband, this could indicate bias based on perceived identity. Using this approach, the ODPa conducted a comparison of the search and discovery rates across different identity groups to investigate possible differential treatment.

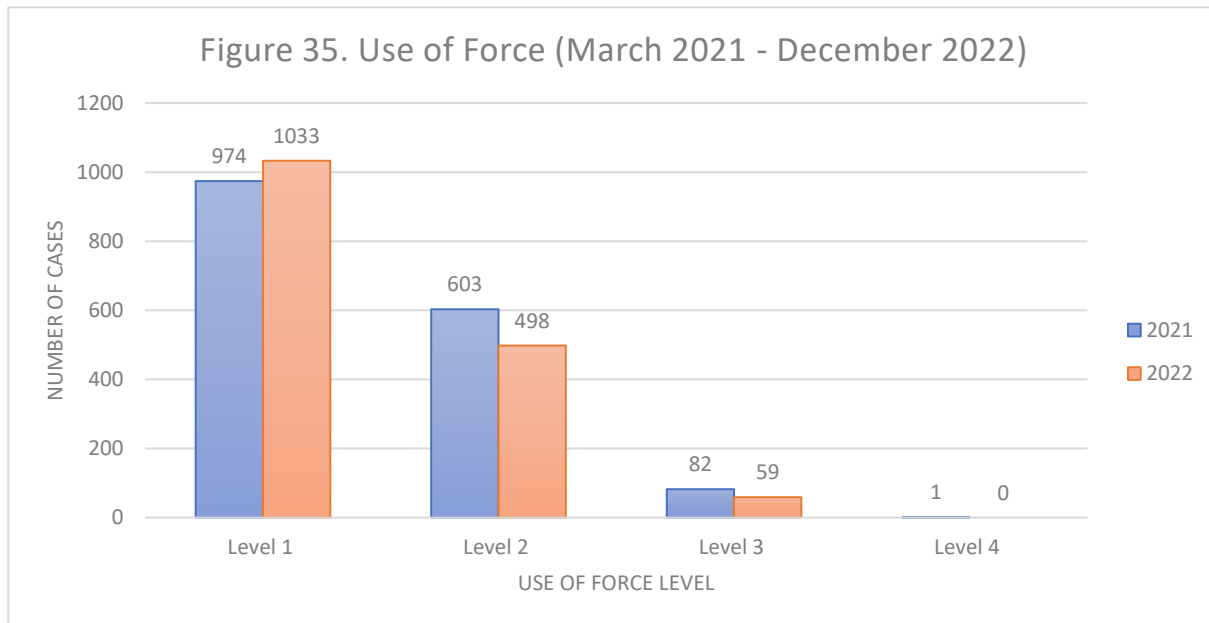
Overall, BPD officers searched 20.07% of the individuals they stopped. Officers discovered contraband or evidence from 15.56% of individuals they searched. Search and discovery rates varied across racial/ethnic groups. Out of all the racial/ethnic groups, stopped individuals perceived to be Pacific Islander or Black/African-American had the highest search rates (27% and 26% respectively), while stopped individuals perceived as Asian or Middle Eastern/South Asian had the lowest search rates (8% and 10% respectively). Individuals perceived as White were searched 19% of the time.



The discovery rate data shows that Black/African American individuals have the highest percentage of contraband or evidence found at 20.02%, followed by Native Americans at 28.67% and Pacific Islanders at 18.64%. In contrast, Asians and Middle Eastern/South Asians have relatively low percentages of contraband or evidence found at 5.55% and 7.60% respectively.



## BPD Use of Force Data Analysis<sup>34</sup>



In February 2021, the Berkeley Police Department transitioned from its previous use-of-force policy to a new one that prioritizes de-escalation and has more stringent reporting requirements. The updated policy now includes four levels of force, with Level 1 involving non-injurious techniques such as grabs, control holds, or leverage, and Level 4 applying to firearm use or in-custody deaths. The definitions for each level are:

**Level 1:** This level involves non-injurious techniques such as grabs, control holds, or leverage. It also includes the use of an officer's body weight to gain control over a subject. This level of force may cause momentary discomfort, but there should be no injury or complaint of pain from the subject.

**Level 2:** This level of force applies when an officer points or deploys a firearm while interacting with someone. It also applies to a Level 1 force that involves more than momentary discomfort but does not result in an injury or complaint of pain.

**Level 3:** This level parallels the department's previous Use of Force reporting standard and involves the use of a weapon, subject injury, or complaint of pain. It also applies to specific circumstances when an officer does not activate their body-worn camera.

<sup>34</sup> For more information about the BPD's policies and definitions regarding Use of Force, visit:  
BPD Policy 300

[https://berkeleyca.gov/sites/default/files/2022-05/Use\\_of\\_Force.pdf](https://berkeleyca.gov/sites/default/files/2022-05/Use_of_Force.pdf)

Transparency Hub- Use of Force

<https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/use-of-force>

**Level 4:** This level of force applies when an officer uses a firearm or when there is an in-custody death. It represents the highest level of force and should only be used in situations where there is an immediate threat to the safety of officers or the public.

Under the previous policy, the reporting of use-of-force incidents focused on significant cases involving injury, pain complaints, or the use of a weapon, leaving out lower levels of force that officers use more frequently. The new policy requires officers to report any use of force to their sergeant, who documents the incident in a formal report.

In cases where multiple techniques or officers are involved in a use of force incident, each separate use of force is counted. For example, if two officers use the same Level 1 force on a resisting suspect during the same incident, it would count as two separate uses of force.

This section examines data collected between March 2021 and December 2022, which reflects the impact of the new use of force policy. During this period, a total of 3,250 uses of force were reported, with 1,660 occurring in 2021 and 1,590 in 2022. The most commonly used level of force was Level 1, which accounted for 2,007 of the reported incidents. Level 2 was the second most frequently used level of force, with 1,101 reported incidents. Only one instance of Level 4 force was recorded during this period.

#### **Use of Force Rates by Race/Ethnicity**

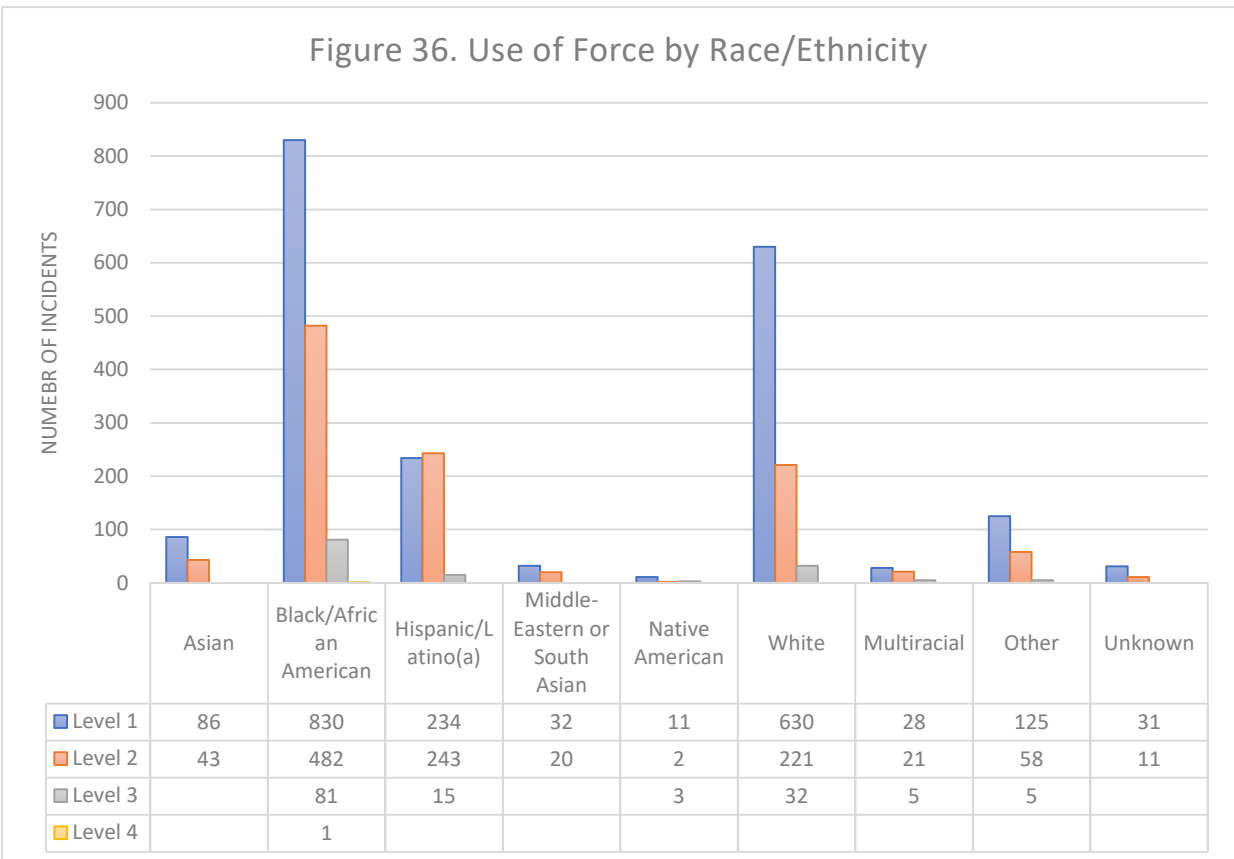
The data provided was analyzed to identify the racial/ethnic distribution of individuals involved in Use of Force Level (UFL) incidents, and it was found that the majority of these incidents involved Black/African American individuals.

From the analysis, it can be seen that the majority of UFL incidents involve Black/African American individuals, with a total of 1,394 incidents across all levels, followed by White individuals with 883 incidents. Hispanic/Latino(a) individuals were involved in 492 UFL incidents, while Asian individuals were involved in 129 incidents. Middle-Eastern or South Asian individuals were involved in 52 incidents, Native American individuals in 16 incidents, Multiracial individuals in 54 incidents, and Other individuals in 188 incidents.

Breaking it down by level, as shown in Figure 36, the analysis shows that for UFL 1, Black/African American individuals were involved in the highest number of incidents with a total of 830, followed by White individuals with 630 incidents, and Hispanic/Latino(a) individuals with 234 incidents. Asian individuals were involved in 86 UFL 1 incidents, while Middle-Eastern or South Asian individuals were involved in 32 encounters.

For UFL 2, Black/African American individuals were involved in the highest number of incidents with a total of 482, followed by White individuals with 221 incidents, and

Hispanic/Latino(a) individuals with 243 incidents. Asian individuals were involved in 43 UFL 2 incidents, while Middle-Eastern or South Asian individuals were involved in 20.



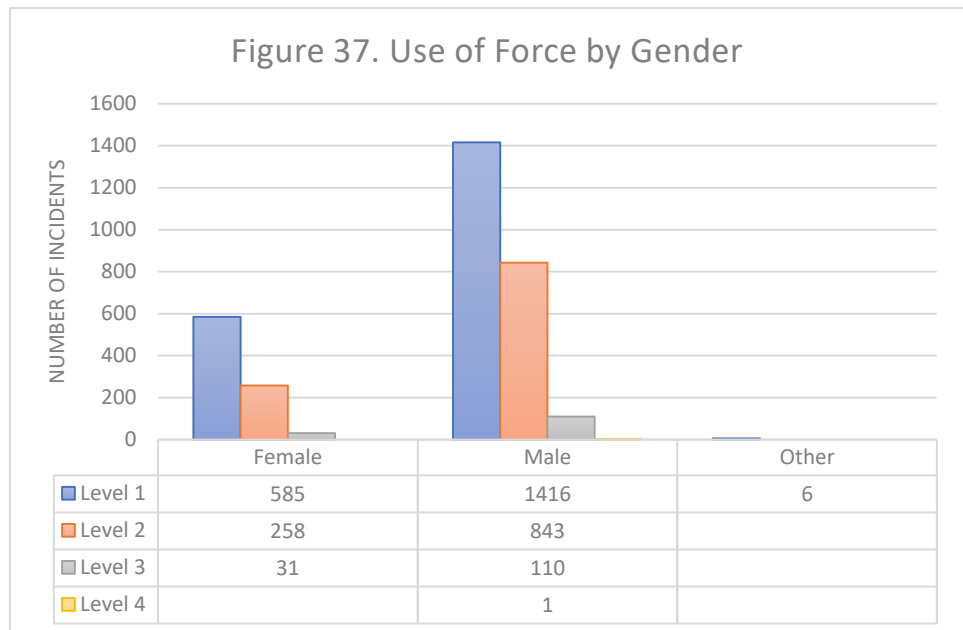
For UFL 3, the highest number of incidents involved Black/African American individuals with 81 incidents, followed by White individuals with 32 incidents, and Hispanic/Latino(a) individuals with 15 incidents. Native American individuals were involved in three UFL 3 incidents, while Multiracial and Other individuals were involved in five and five incidents, respectively.

It's important to note that only one UFL 4 incident was recorded, which involved a Black/African American individual. It's also important to recognize that without additional information about the circumstances surrounding these incidents, it's difficult to draw any definitive conclusions about the data. However, this breakdown can provide some insight into the distribution of UFL incidents across different racial and ethnic groups.



### Use of Force Rates by Gender

In analyzing the Gender data provided, it was found that male individuals were involved in the majority of Use of Force Level (UFL) incidents, with a total of 2,370 incidents across all levels. Female individuals had a total of 874 incidents, and other individuals had only six incidents recorded. For UFL 1, male individuals were involved in the highest number of incidents with a total of 1,416, followed by female individuals with 585 incidents. For UFL 2, male individuals were again involved in the highest number of incidents with 843, followed by female individuals with 258 incidents. For UFL 3, male individuals were involved in the highest number of incidents with 110, followed by female individuals with 31 incidents. Only one UFL 4 incident was recorded, which involved a male individual. It's important to note that this data does not provide context for these incidents and should be

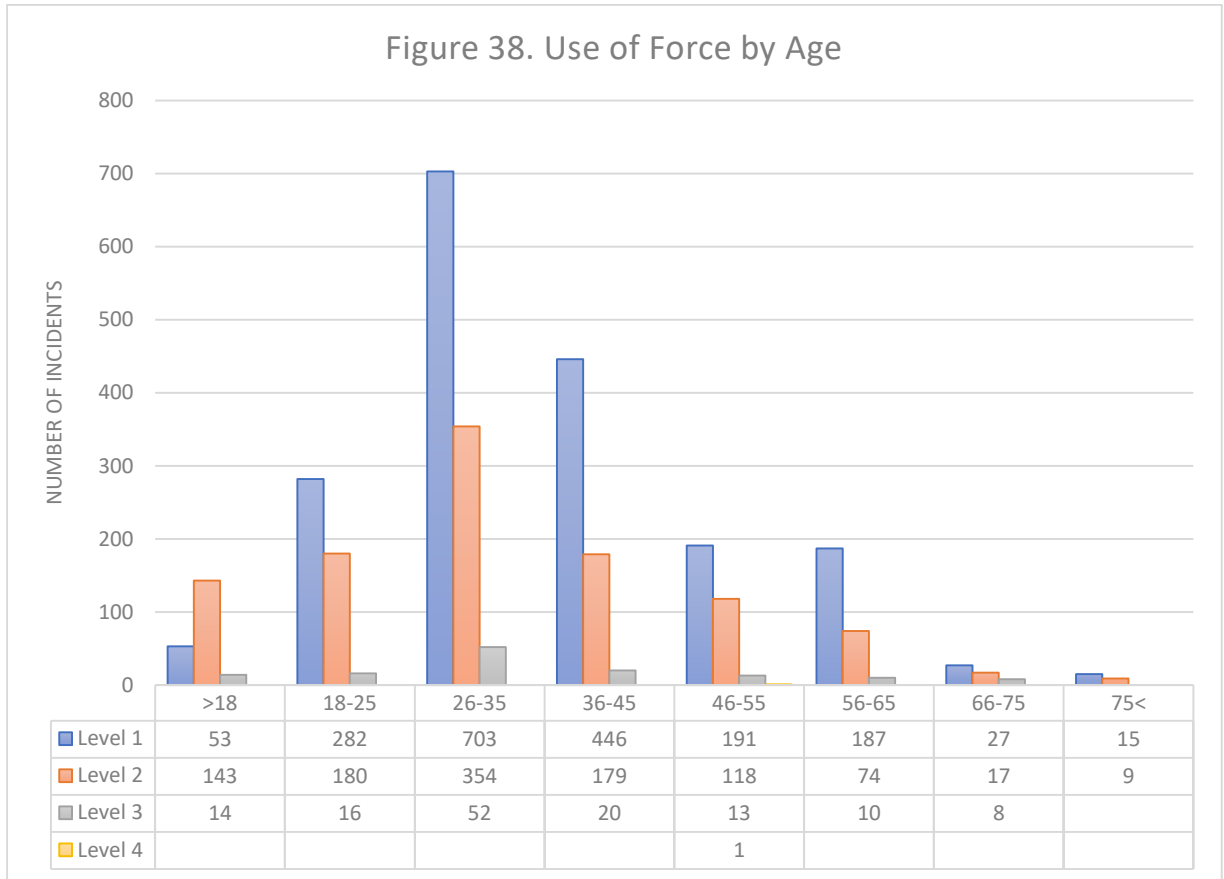


interpreted with caution. However, this analysis provides some insight into the gender distribution of UFL incidents.

interpreted with caution. However, this analysis provides some insight into the gender distribution of UFL incidents.

### Use of Force Rates by Age

In analyzing the Age Group data provided, it was found that the majority of Use of Force Level (UFL) incidents involve individuals aged 26-35, with a total of 1,109 incidents across all levels. The second highest age group involved in UFL incidents was 18-25 with 478 incidents in total, followed by the 36-45 age group with 645 incidents. For UFL 1, the highest number of incidents involved the 26-35 age group with 703 incidents, followed by the 18-25 age group with 282 incidents. For UFL 2, the 26-35 age group was again involved in the highest number of incidents with 354, followed by the 18-25 age group with 180 incidents. For UFL 3, the 26-35 age group was involved in the highest number of incidents with 52, followed by the 18-25 age group with 16 incidents. For UFL 4, only one incident was recorded, which involved an individual aged 46-55.



The Use of Force Analysis section in this annual report underscores the critical need for rigorous scrutiny of law enforcement interactions involving force by the Berkeley Police Department (BPD). Each use of force incident must be examined meticulously to ensure that the application of force aligns with Constitutional guarantees, federal and state laws, as well as BPD's own policies. This level of oversight is essential not only to maintain the highest standards of public safety but also to protect the rights and well-being of our community members.

The objective reasonable test, as established in the landmark case of *Graham v. Connor*<sup>35</sup>, remains a cornerstone in evaluating the use of force by law enforcement officers. The standard requires assessing an officer's actions based on what a reasonable and prudent officer would do under similar circumstances. Upholding this standard is

<sup>35</sup> For more information on *Graham v. Connor*, 490 U.S. 386 (1989) visit: <https://tile.loc.gov/storage-services/service//usrep/usrep490/usrep490386/usrep490386.pdf>

Also consider reviewing a Federal Law Enforcement Training Center summary discussion at: [https://www.youtube.com/watch?v=zhtQovjR2C0&list=PLE\\_bbg18KBz\\_k96jP3krXH7TiVt9VuEa&index=18](https://www.youtube.com/watch?v=zhtQovjR2C0&list=PLE_bbg18KBz_k96jP3krXH7TiVt9VuEa&index=18)

paramount in promoting transparency, accountability, and fairness in law enforcement practices, thus reinforcing the trust and confidence of our community in the BPD.

The goal of this section annual report was to provide our community with a comprehensive understanding of the incidents involving the use of force by BPD officers. By transparently documenting these incidents and their outcomes, we aim to foster open dialogue, encourage constructive feedback, and, ultimately, work collaboratively to enhance the quality of policing and ensure that it reflects the values and expectations of our residents. In the spirit of accountability and justice, we remain committed to this endeavor and look forward to further advancing the cause of a more equitable and just community.

## CONCLUSION AND RECOMMENDATIONS

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The City of Berkeley and its various stakeholders should continue to work toward the full implementation and institutionalization of the new oversight system. The transition from the predecessor agency, the Police Review Commission, to the new hybrid system of the Office of the Director of Police Accountability and the Police Accountability Board has been a significant step toward enhancing police accountability. To ensure the independence of this system within the city's structure, there is a need for continued effort, collaboration, and support.

To that end, we recommend that the City of Berkeley:

**Support the Independence of the Oversight System:** The City should explore avenues to reinforce the independence of the Office of the Director of Police Accountability and the Police Accountability Board within the municipal structure. This could involve evaluating the oversight system's budget, reporting lines, and policies to ensure that it operates autonomously while maintaining a cooperative relationship with the Berkeley Police Department.

**Community Engagement and Education:** Continuous community engagement and education about the roles and responsibilities of the ODPA and PAB are essential. The City should invest in public awareness campaigns, town hall meetings, and educational initiatives to empower residents to understand and access the oversight system effectively.

**Data Accessibility:** Promote the development and accessibility of tools that allow community members to interact with the data collected by the ODPA. This includes ensuring that resources, such as the Berkeley Police Department's Transparency Hub, are well-maintained and updated to provide the public with the information they need to

assess trends and patterns. Additionally, there needs to be stronger efforts to ensure the ODPA/PAB have unfettered access to documents and records needed to complete its work mandated under the City Charter.

**Strengthening Reporting Mechanisms:** The City should consider streamlining and improving the reporting mechanisms for incidents involving the police. Clear and accessible reporting channels can facilitate the submission of complaints and ensure that issues are promptly addressed.

**Training and Education:** Implement comprehensive training and educational programs for police officers to ensure that they are well-versed in best practices, constitutional principles, and community engagement. These programs should align with the principles set forth in the fair and policing and reimagining public safety frameworks.

In conclusion, the Office of the Director of Police Accountability and the Police Accountability Board remain steadfast in their commitment to enhancing police accountability and community safety. With the support and collaboration of the City of Berkeley, its residents, and its law enforcement agencies, we look forward to continuing this vital work. Together, we will build a brighter and more just future for the City of Berkeley.

## GUIDING DOCUMENTS AND AUTHORITY

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

State of California Constitution:

<https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=CONS&tocTitle=+California+Constitution+-+CONS>

California Government Code:

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

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

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

[https://berkeleyca.gov/sites/default/files/2022-02/PAB-ODPA.Interim.Reggs\\_.Approved.2021-10-05.pdf](https://berkeleyca.gov/sites/default/files/2022-02/PAB-ODPA.Interim.Reggs_.Approved.2021-10-05.pdf)

Police Accountability Board's Standing Rules:

[https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard\\_StandingRules.pdf](https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf)

City of Berkeley COMMISSIONERS' MANUAL 2019 edition:

<https://berkeleyca.gov/sites/default/files/2022-03/Commissioners-Manual.pdf>

## Appendices

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### APPENDIX 1. COMPLAINTS SUMMARY TABLE FOR 2021-2022

CASE #	SUMMARY OF ALLEGATIONS	DPA FINDINGS:	PAB FINDINGS:	BPD FINDING	CMO FINDING
DPA 1	<p><b>Allegation 1. INADEQUATE INVESTIGATION</b> <i>Whether the subject officer failed to adequately investigate the complainant's report of a restraining order violation.</i></p> <p><b>Allegation 2. IMPROPER POLICE PROCEDURES</b> <i>Whether the subject officer improperly failed to arrest the person named in the complainant's restraining order.</i></p> <p><b>Allegation 3. DISCOURTESY</b> <i>Whether the subject officer exhibited discourtesy towards the complainant through the officer's demeanor, statements, or tone.</i></p>	SUSTAINED Disciplinary Rec: No specific rec.	SUSTAINED	UNFOUNDED	UNFOUNDED Disciplinary Outcome: N/A
		UNFOUNDED	UNFOUNDED	UNFOUNDED	---N/A---
		NOT SUSTAINED	NOT SUSTAINED	UNFOUNDED	---N/A---
	<b>Allegation 1. INADEQUATE INVESTIGATION</b>	SUSTAINED Disciplinary Rec: No specific rec.	SUSTAINED	UNFOUNDED	UNFOUNDED

DPA 2	<p><i>Whether subject officers (2x) failed to adequately investigate the complainant's report of a restraining order violation.</i></p> <p><b>Allegation 2. IMPROPER POLICE PROCEDURES</b> <i>Whether the subject officers (2x) improperly failed to arrest the person named in the complainant's restraining order.</i></p>	SUSTAINED Disciplinary Rec: No specific rec.	SUSTAINED	UNFOUNDED	Disciplinary Outcome: N/A  UNFOUNDED Disciplinary Outcome: N/A
<b>CASE #</b>	<b>SUMMARY OF ALLEGATIONS</b>	<b>DPA FINDINGS:</b>	<b>PAB FINDINGS:</b>	<b>BPD FINDING</b>	<b>CMO FINDING</b>
DPA 3	<p><b>Allegation 1. DISCOURTESY</b> <i>Whether the subject officer was discourteous towards the complainant.</i></p> <p><b>Allegation 2. IMPROPER POLICE PROCEDURES</b> <i>Whether the subject officer failed to employ appropriate de-escalation techniques during the officer's contact with the complainant.</i></p> <p><b>Allegation 3. IMPROPER USE OF FORCE</b> <b>-- Improper Physical Contact</b></p>	<p>SUSTAINED Disciplinary Rec: No specific rec.</p> <p>SUSTAINED</p> <p>UNFOUNDED</p> <p>UNFOUNDED</p>	<p>SUSTAINED Disciplinary Rec: No specific rec.</p> <p>SUSTAINED</p> <p>UNFOUNDED</p> <p>UNFOUNDED</p>	<p>NOT SUSTAINED</p> <p>NOT SUSTAINED</p> <p>UNFOUNDED</p> <p>UNFOUNDED</p>	<p>NOT SUSTAINED Disciplinary Outcome: N/A</p> <p>---N/A---</p> <p>---N/A---</p> <p>---N/A---</p>

	<p><i>Whether the subject officer used improper force against the complainant.</i></p> <p><b>Allegation 4. DISCRIMINATION</b> <i>Whether any of the subject officer's actions towards the complainant resulted from disability, gender, or racial bias.</i></p>				
DPA 4	<p><b>Allegation 1. IMPROPER SEARCH -- Home</b> <i>Whether subject officers (4x) improperly entered the complainant's place of residence.</i></p> <p><b>Allegation 2. IMPROPER EVICTION</b> <i>Whether subject officers' (4x) actions constituted an improper eviction of the complainant.</i></p>	<p>SUSTAINED Disciplinary Rec: No specific rec.</p> <p>SUSTAINED (4x) Disciplinary Rec: No specific rec.</p>	<p>SUSTAINED Disciplinary Rec: No specific rec.</p> <p>SUSTAINED (4x) Disciplinary Rec: No specific rec.</p>	<p>NOT SUSTAINED (3x) &amp; UNFOUNDED</p> <p>SUSTAINED (3x) Disciplinary<sup>36</sup> Outcome: UNKNOWN &amp; NOT SUSTAINED</p>	<p>NOT SUSTAINED (3x) &amp; UNFOUNDED</p> <p>SUSTAINED (3x) Disciplinary Outcome<sup>37</sup>: UNKNOWN &amp; NOT SUSTAINED</p>
DPA 5 <sup>38</sup>	<p><b>Allegation 1. IMPROPER CONDUCT</b> <i>Whether the subject officer engaged in</i></p>	<p>SUSTAINED</p> <p>UNFOUNDED</p>	<p>SUSTAINED</p> <p>UNFOUNDED</p>	<p>PREVENTABLE</p> <p>UNFOUNDED</p>	<p>---N/A---</p> <p>---N/A---</p>

<sup>36</sup> Although the discipline was not made known to the PAB/ODPA, the Chief indicated intent to provide all involved officers with training on proper police procedures.

<sup>37</sup> The CM indicated, "With regard to the discipline recommended by the DPA, the appropriate level of discipline, if any, is left to the discretion of the Chief of Police." Source: CM Dee Williams-Ridley January 21, 2022 Memo to Interim DPA Lee titled DPA Complaint No. 4 IA Investigation No. IA21-0031

<sup>38</sup> This case has been partially resolved.



	<p><i>unsafe or improper driving.</i></p> <p><b>Allegation 2. IMPROPER POLICE PROCEDURES</b>  <b>- Failure to Provide Medical Assistance</b>  <i>Whether subject officers failed to provide medical assistance</i></p> <p><b>Allegation 3. DISCOURTESY</b>  <i>Whether subject officers exhibited discourtesy towards the complainant through their demeanor, tone, or statements.</i></p>	SUSTAINED	SUSTAINED	UNFOUNDED	---N/A---
DPA 6	<p><b>Allegation 1. IMPROPER INVESTIGATION</b>  <i>Whether the subject officer failed to properly or adequately investigate the dispute between the complainant and third party).</i></p> <p><b>Allegation 2. DISCOURTESY</b>  <i>Whether the subject officer exhibited discourtesy towards the complainant through the officer's demeanor, statements, or</i></p>	UNFOUNDED	UNFOUNDED	UNKNOWN <sup>39</sup>	---N/A---
		UNFOUNDED	UNFOUNDED	UNKNOWN	---N/A---
		UNFOUNDED	UNFOUNDED	UNKNOWN	---N/A---

<sup>39</sup> In cases where the Board reaches a finding of UNFOUNDED or NOT SUSTAINED, the ODPA has not received information about the BPD conclusions of the parallel investigation.

	tone.  <b>Allegation 3. IMPROPER POLICE PROCEDURES</b> <i>Whether the subject officer failed to adhere to public health protocols during the officer's contact with the complainant.</i>				
DPA 8	<b>COMPLAINANT ALLEGED A TOTALITY OF FACTS THAT WERE CLEARLY IMPLAUSIBLE</b>	ADMINISTRATIVELY CLOSED	ADMINISTRATIVE Y CLOSED	---N/A---	---N/A---
DPA 9	<b>COMPLAINANT ALLEGED A TOTALITY OF FACTS THAT WERE CLEARLY IMPLAUSIBLE</b>	ADMINISTRATIVELY CLOSED	ADMINISTRATIVE Y CLOSED	---N/A---	---N/A---
DPA 10	<b>COMPLAINANT ALLEGED A TOTALITY OF FACTS THAT ARE CLEARLY IMPLAUSIBLE AND OTHERS THAT APPEARED TO BE FRIVOLOUS</b>	ADMINISTRATIVELY CLOSED	ADMINISTRATIVE Y CLOSED	---N/A---	---N/A---
DPA 16	<b>OTHER</b>	CLOSED THROUGH MEDIATION	CLOSED THROUGH MEDIATION	---N/A---	---N/A---
DPA 20	<b>Allegation 1. IMPROPER DETENTION PROCEDURES -- Failure to Inform of Grounds of Arrest</b> <i>Whether the subject officer failed to notify the complainant of the</i>	SUSTAINED  SUSTAINED	UNFOUNDED  SUSTAINED	EXONERATED  NOT SUSTAINED	---N/A---  ---N/A---

	<p><i>crime(s) that complainant committed.</i></p> <p><b>Allegation 2. IMPROPER POLICE PROCEDURES - Damage to Property</b> <i>Whether the subject officer failed to exercise proper care and handling of the complainant's property.</i></p> <p><b>Allegation 3. IMPROPER OR INADEQUATE INVESTIGATION -- False or Improper Police Report</b> <i>Whether the subject officer failed to produce an accurate report of the incident involving the complainant.</i></p>	UNFOUNDED	UNFOUNDED	EXONERATED	---N/A---
DPA 21	<p><b>Allegation 1. DISCOURTESY</b> <i>Whether the subject officers exhibited discourtesy toward the complainant through their demeanor, statement, or tone.</i></p> <p><b>Allegation 2. DISCOURTESY</b> <i>Whether the subject officers failed to provide appropriate information and service to the complainant.</i></p>	ADMINISTRATIVELY <sup>40</sup> CLOSED	ADMINISTRATIVE Y CLOSED	---N/A---	---N/A---

<sup>40</sup> This case was administratively closed because of an inability to complete the process as indicated in the Charter within the 240-days.

	<p><b>Allegation 3. DISCRIMINATION</b>  <i>Whether the subject officers' actions toward the complainant resulted from bias based on nationality or race.</i></p> <p><b>Allegation 4. IMPROPER OR INADEQUATE INVESTIGATION</b>  <i>Whether the subject officers failed to properly or adequately investigate dispute between the complainant and third party.</i></p> <p><b>Allegation 5. IMPROPER POLICE PROCEDURES</b>  <i>Whether the subject officers failed to remain impartial during their investigation of and contact with the complainant.</i></p>				
DPA 22	<p><b>1. DISCOURTESY -- Failure to respond</b>  <i>Whether the subject officer exhibited discourtesy toward the complainant by not adequately responding to complainant's call</i></p>	ADMINISTRATIVELY CLOSED UPON COMPLAINANT REQUEST	ADMINISTRATIVELY CLOSED UPON COMPLAINANT REQUEST	----N/A----	----N/A----

	<p><i>for service.</i></p> <p><b>2. DISCRIMINATION</b>  <b>-- Prejudicial Treatment</b>  <i>Whether the subject officer's actions toward the complainant resulted from nationality, racial, or ethnicity bias.</i></p> <p><b>3. IMPROPER OR INADEQUATE INVESTIGATION</b>  <b>-- Failure to investigate</b>  <i>Whether the subject officer failed to properly or adequately investigate complainant's call for service.</i></p> <p><b>4. HARASSMENT</b>  <b>-- Deliberate, annoying and repeated contacts</b>  <i>Whether the subject officer engaged in harassment towards complainant.</i></p>				
DPA 23	<p><b>1. DISCOURTESY</b>  <b>-- Failure to provide information</b>  <i>Whether the subject officer exhibited discourtesy toward the complainant by not including complainant's statement in the</i></p>	ADMINISTRATIVELY CLOSED UPON COMPLAINANT REQUEST	ADMINISTRATIVELY CLOSED UPON COMPLAINANT REQUEST	----N/A----	----N/A----

	<p><i>police report.</i></p> <p><b>2. DISCRIMINATION</b> -- <b>Prejudicial Treatment</b> <i>Whether the subject officer's actions toward the complainant resulted from racial bias.</i></p> <p><b>3. IMPROPER OR INADEQUATE INVESTIGATION</b> -- <b>False or improper police report</b> <i>Whether the subject officer recorded false accusations about complainant in the police report.</i></p>				
DPA 24	<p><b>1. DISCOURTESY</b> -- <b>Failure to provide information</b> <i>Whether the subject officer exhibited discourtesy toward the complainant by not including complainant's statement in the police report.</i></p> <p><b>2. DISCRIMINATION</b> -- <b>Prejudicial Treatment</b> <i>Whether the subject officer's actions toward the complainant resulted from racial bias.</i></p> <p><b>3. IMPROPER OR INADEQUATE</b></p>	ADMINISTRATIVELY CLOSED UPON COMPLAINANT REQUEST	ADMINISTRATIVELY CLOSED UPON COMPLAINANT REQUEST	---N/A---	---N/A---

	<b>INVESTIGATION</b> <b>-- False or improper police report</b> <i>Whether the subject officer recorded false accusations about complainant in the police report.</i>				
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**FINDINGS CATEGORIES**

**SUSTAINED:** The allegation did occur and the action is not justified.

**NOT SUSTAINED:** The evidence fails to support the allegation; however, it has not been proven false.

**UNFOUNDED:** The alleged act did not occur.

**EXONERATED:** The alleged act did occur, but was lawful, justified and proper.

APPENDIX 2. BPD TRAINING TOPICS

Number of Training Hours	Training Start Date	Training End Date	Training Subject	Number of Assigned Employees
24	1/20/2022	1/22/2022	Field Training Officer Update	4
24	4/25/2022	4/27/2022	30th Annual Problem-Oriented Policing (POP) Conference	3
32	8/24/2021	8/27/2021	52nd Annual CHIA Conference	2
4	6/30/2022	6/30/2022	Active Shooter Situations	1
200	8/15/2022	9/16/2022	Adult Corrections Core Course	1
24	5/5/2021	5/7/2021	Advanced Child Abuse Investigation Course	2
64	3/2/2021	3/11/2021	Advanced Explosive Disposal Techniques Course	1
24	9/13/2022	9/15/2022	Advanced Interview and Interrogation	1
80	1/4/2021	1/15/2021	Advanced Ordinance Recognition Course	1
16	8/10/2022	8/11/2022	Advanced Roadside Impaired Driver Enforcement (ARIDE)	2
16	7/12/2022	7/13/2022	Alcoholic Beverage Control Conference	2
8	11/9/2022	11/9/2022	Apple and Google Search Warrants	3
40	6/27/2022	7/1/2022	Armored School	1
1.5	6/16/2021	6/16/2021	Asking Police Chiefs the Right Questions	2
40	8/11/2022	8/11/2022	Assault Weapon Identification & New & Upcoming CA Gun Laws	1
24	11/1/2021	11/3/2021	Axon Accelerate 2021 Conference	2
24	5/23/2022	5/25/2022	Axon Accelerate Conference	2
32	5/24/2021	5/27/2021	Background Investigations Course	4
32	8/30/2021	9/2/2021	Background Investigations Course	2
32	7/26/2021	7/29/2021	Background Investigations Course	1
32	8/30/2021	9/2/2021	Background Investigations Course	4
40	11/8/2021	11/12/2021	Basic Crisis (Hostage) Negotiations	1
40	10/25/2021	10/29/2021	Basic Crisis Negotiation Course	1
942	7/5/2022	12/15/2022	Basic Police Academy	5
48	11/1/2021	11/5/2021	Basic Sniper Course	1
80	10/3/2022	10/14/2022	Basic SWAT	4
40	5/17/2021	5/21/2021	Basis Crisis Negotiation Course	2
32	11/16/2022	11/19/2022	Bicycle Patrol Instructor	3



10	1/19/2021	1/19/2021	Bomb Unit Monthly Training	6
10	2/19/2021	2/19/2021	Bomb Unit Monthly Training	6
10	3/22/2021	3/22/2021	Bomb Unit Monthly Training	6
10	5/28/2021	5/28/2021	Bomb Unit Monthly Training	6
10	6/18/2021	6/18/2021	Bomb Unit Monthly Training	6
10	7/19/2021	7/19/2021	Bomb Unit Monthly Training	6
10	9/17/2021	9/17/2021	Bomb Unit Monthly Training	6
10	10/15/2021	10/15/2021	Bomb Unit Monthly Training	6
10	1/21/2022	1/21/2022	Bomb Unit Monthly Training	4
10	3/25/2022	3/25/2022	Bomb Unit Monthly Training	7
10	5/20/2022	5/20/2022	Bomb Unit Monthly Training	7
10	6/24/2022	6/24/2022	Bomb Unit Monthly Training	7
10	7/29/2022	7/29/2022	Bomb Unit Monthly Training	7
10	9/30/2022	9/30/2022	Bomb Unit Monthly Training	7
10	10/28/2022	10/28/2022	Bomb Unit Monthly Training	7
10	11/18/2022	11/18/2022	Bomb Unit Monthly Training	7
10	4/22/2022	4/22/2022	Bomb Unit Monthly Training	8
40	4/25/2022	4/29/2022	CA Association for Property and Evidence (CAPE) Annual Training Seminar	2
40	9/19/2022	9/23/2022	CA Association of Hostage Negotiators (CAHN) Annual Training Conference	3
16	10/3/2022	10/5/2022	CA Association of Law Enforcement Background Investigators (C.A.L.E.B.I.) Annual Training Conference	2
32	8/23/2022	8/26/2022	CA Homicide Investigators Conference	2
40	9/27/2021	10/1/2021	California Association of Hostage Negotiators (CAHN) Conference 2021	4
40	11/19/2021	11/23/2021	California Narcotics Officers' Association (CNOA) Conference	6
8	10/22/2022	10/22/2022	California SWAT Hostage Rescue Symposium	2
4	11/3/2022	11/3/2022	Capitol to Communities: Legislative Impact	1
40	3/8/2021	3/12/2021	Child Abuse Investigation Course	1
16	9/26/2022	9/27/2022	Child Exploitation Investigation	4
16	6/14/2021	6/15/2021	Child Exploitation Investigation Course	1
56	5/9/2021	8/19/2022	Command College	1

40	2/8/2021	2/12/2021	Computer Voice Stress Analyzer - CVSA	2
24	2/9/2021	2/11/2021	Computer Voice Stress Analyzer (CVSA) Re-Certification Course	1
40	6/13/2022	6/17/2022	Crime Prevention Through Environmental Design (CPTED)	1
2	12/6/2021	12/6/2021	Crime Scene Unit Hazmat Training	2
2	12/8/2021	12/8/2021	Crime Scene Unit Hazmat Training	2
2	12/9/2021	12/9/2021	Crime Scene Unit Hazmat Training	1
40	9/27/2021	9/30/2021	Crisis Intervention Training	4
40	10/25/2021	10/28/2021	Crisis Intervention Training	4
40	11/15/2021	11/18/2021	Crisis Intervention Training	4
8	6/13/2022	6/13/2022	Critical Incident Response	1
32	10/18/2021	10/21/2021	Critical Incident Stress Management (CISM)	5
32	10/18/2021	10/21/2021	Critical Incident Stress Management (CISM)	4
80	11/29/2021	12/10/2021	Defensive Tactics Instructor Course	1
2	6/8/2021	6/8/2021	Digital Safety for Law Enforcement Officers	1
120	3/8/2021	3/26/2021	Dispatcher, Public Safety Basic Course	1
120	5/2/2022	5/20/2022	Dispatcher, Public Safety Basic Course	1
3.5	5/27/2021	5/27/2021	DMV License and Registration Training	1
8	9/7/2022	9/7/2022	Documenting Use of Force Document Writing	1
40	4/12/2021	4/16/2021	Domestic Violence Investigations	1
16	8/8/2022	8/9/2022	DUI Detection - Field Sobriety	2
16	8/8/2022	8/9/2022	DUI Detection - Field Sobriety	1
16	10/24/2022	10/26/2022	DUI Detection - Field Sobriety	1
36	2/7/2022	2/11/2022	DUI Detection - Field Sobriety Course	2
8	9/15/2022	9/15/2022	Emotionally Intelligent Comm Center Leadership	1
8	9/15/2022	9/15/2022	Emotionally Intelligent Comm Center Leadership	1
16	11/15/2022	11/16/2022	ESRI Pacific User Conference	4
32	7/9/2022	7/12/2022	ESRI Safety and Security Summit	3
24	6/27/2022	6/29/2022	Field Training Office (FTO) Update	1
40	11/29/2021	12/3/2021	Field Training Officer	4
40	1/25/2021	1/29/2021	Field Training Officer	1
40	10/24/2022	10/28/2022	Field Training Officer	1

40	11/14/2022	11/18/2022	Field Training Officer	3
40	11/28/2022	12/2/2022	Field Training Officer	1
8	6/18/2021	6/18/2021	Firearms and Tactical Rifle Instructor	1
34	9/14/2021	9/16/2021	Firearms-Tactical Rifle	2
24	9/20/2021	9/22/2021	Firearms-Tactical Rifle	1
24	11/15/2021	11/17/2021	Force Options Use of Force/De-escalation Train the Trainer	3
24	6/28/2022	6/30/2022	Force Options Use of Force/De-escalation Train the Trainer	1
24	3/23/2021	3/25/2021	Government Social Media Conference	1
40	2/28/2022	3/4/2022	Gracie Survival Tactics Instructor Certification	1
40	11/1/2021	11/5/2021	Gracie Survival Tactics Instructor Certification	4
40	1/31/2022	2/4/2022	Gracie Survival Tactics Instructor Certification	2
40	10/2/2022	10/8/2022	Hazardous Materials Technician School	1
8	1/31/2022	1/31/2022	Homegrown Violent Extremism	1
40	7/11/2022	7/15/2022	Intermediate Traffic Collision Investigation	1
32	3/8/2021	3/12/2021	Internal Affairs Investigation	1
24	10/15/2022	10/18/2022	International Association of Chiefs of Police (IACP) Annual Training Conference	4
8	10/27/2021	10/27/2021	Interviewing for First Responders	1
24	10/28/2022	10/30/2022	Introduction to Hostage Rescue	1
40	12/6/2021	12/10/2021	Investigative Interview & Interrogation	1
40	10/25/2021	10/29/2021	Investigative Interview & Interrogation	1
40	11/1/2021	11/5/2021	Investigative Interview & Interrogation	2
40	10/31/2022	11/4/2022	Investigative Interview and Interrogation	1
40	10/31/2022	11/4/2022	Investigative Interview and Interrogation	1
8	12/2/2022	12/2/2022	Law Enforcement Tactical Life Saver Course	1
8	9/20/2022	9/20/2022	Law Enforcement Tactical Life Saver Course	1
8	9/24/2021	9/24/2021	Legally Justified; But Was it Avoidable	1
10	2/25/2021	2/25/2021	Logistics Training	5

10	10/21/2021	10/21/2021	Logistics Training	5
80	10/17/2022	10/28/2022	Motorcycle Training Instructor National Asian Peace Officers' Association Conference	1
32	8/30/2021	9/3/2021	National Law Enforcement Training on Child Exploitation	3
24	6/14/2022	6/16/2022	New World Systems (NWS) Advisory Group Meeting	2
24	9/27/2021	9/29/2021	New World Systems (NWS) Advisory Group Meeting	1
16	9/20/2022	9/21/2022	Officer Involved shooting documentation and evidence collection	1
8	5/29/2021	5/29/2021	Open-Source Intelligence Investigations on Tiktok & Telegram	3
2	5/19/2021	5/19/2021	Operations Division Sergeant's Meeting	7
2	1/6/2022	1/6/2022	Partnering for Team Success - A Course for Seconds in Command	21
8	10/24/2022	10/24/2022	Patrol Rifle	2
16	8/18/2022	8/19/2022	POST Basic Police Academy	1
192	7/5/2021	12/16/2021	POST Basic Police Academy	3
1040	10/18/2021	5/2/2022	POST Basic Police Academy	3
192	1/3/2022	6/16/2022	POST Management Course	2
4	4/26/2021	6/24/2021	POST Management Course	1
144	7/26/2021	9/16/2021	POST Management Course	1
104	2/28/2022	4/28/2022	POST Management Course	1
104	10/31/2022	11/4/2022	POST Management Course	1
10	10/20/2022	10/20/2022	Pro-Active Patrol Tactics	2
16	8/9/2022	8/10/2022	Property Room Management Training Seminar	1
16	6/23/2021	6/24/2021	Public Records Act	2
16	6/23/2021	6/24/2021	Public Records Act	2
16	8/17/2022	8/18/2022	Public Records Act	4
16	10/28/2021	10/29/2021	Public Records Act (PRA)	1
8	10/12/2022	10/12/2022	Public Safety Family Resilience Conference	1
6	11/1/2022	11/1/2022	Racial and Identity Profiling Act (RIPA) Summit	7
8	2/8/2022	2/8/2022	Response Tactics for Critical Incidents & In-Progress Crimes	1
40	10/10/2022	10/14/2022	Robbery Investigation (ICI)	1
40	8/30/2021	9/3/2021	Rolling Surveillance	1
14	6/17/2021	6/18/2021	School Resource Officer Training Conference	1

24	10/24/2022	10/26/2022	Search and Arrest Warrants	1
16	7/20/2022	7/21/2022	Search Warrants	3
4	11/8/2022	11/8/2022	Selection Standards and Certification	1
40	11/15/2021	11/19/2021	Sergeant's Leadership Forum	1
40	8/29/2022	9/2/2022	Sexual Assault Investigations	1
8	10/4/2021	10/15/2021	Special Weapons & Tactics	4
4	3/3/2021	3/3/2021	SRT Negotiator Training	13
16	11/30/2021	12/1/2021	Standardized Field Sobriety Testing (SFST)	2
8	9/23/2022	9/23/2022	Stay Resilient Seminar	1
24	9/19/2022	9/21/2022	Street and Vehicle Tactics for Police	1
24	11/7/2022	11/9/2022	Supervising Managing and Legal Issues for Protests, Demonstrations and Civil Unrest Operations	1
80	10/18/2021	10/29/2021	Supervisory Course	2
80	8/2/2021	8/13/2021	Supervisory Course	1
40	3/22/2021	3/26/2021	SWAT Command Decision Making and Leadership	1
40	11/1/2022	11/10/2022	SWAT Command Decision-Making & Leadership	1
40	4/5/2021	4/9/2021	SWAT Team Leader Development	1
24	2/7/2022	2/9/2022	Tactical Armored Vehicle Operations	6
24	2/7/2022	2/9/2022	Tactical Armored Vehicle Operations	3
80	8/22/2022	9/2/2022	Tactical Medicine	1
40	5/17/2021	5/21/2021	Tactical Medicine Technician	1
24	9/7/2022	9/9/2022	Tactical Mission Planning	2
24	9/15/2022	9/17/2022	Three Day Carbine/Pistol Course	1
4	6/7/2021	6/7/2021	Trace Evidence and Collection	1
80	11/29/2021	12/10/2021	Traffic Accident Reconstruction	1
40	10/3/2022	10/7/2022	Traffic Collision Investigation (Intermediate)	1
16	10/10/2022	10/11/2022	Tyler User Group Conference	5
8	9/3/2021	9/3/2021	Vehicle Containment Training	1
16	1/26/2022	1/27/2022	Women in Command	1
24	9/12/2022	9/14/2022	Women Leaders in Law Enforcement (WLLE)	6
24	9/28/2021	9/30/2021	Women Leaders in Law Enforcement (WLLE) Training Symposium	2