



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING SUPPLEMENTAL PACKET
Wednesday, March 27, 2024
6:30 P.M.**

Board Members

**John Moore III (Chair)
Kitty Calavita
Brent Blackaby
Alexander Mozes**

**Leah Wilson (Vice-Chair)
Julie Leftwich
Joshua Cayetano**

MEETING LOCATION

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

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[PLACEHOLDER FOR COVER]

i



MAYOR

Jesse Arreguín

CITY COUNCIL

Rashi Kesarwani, District 1
Terry Taplin, District 2
Ben Bartlett, District 3
[VACANT], District 4

Sophie Hahn, District 5
Susan Wengraf, District 6
[VACANT], District 7
Mark Humbert, District 8

City Manager

Bedwendolyn Deshawn Williams-Ridley

Berkeley Police Department

Jennifer Louis, Chief of Police

POLICE ACCOUNTABILITY BOARD (PAB) MEMBERS

John "Chip" Moore, Chair
Leah Wilson, Vice-Chair
Brent Blackaby
Kitty Calavita
Joshua Cayetano
Juliet Leftwich
Alexander Mozes

OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY (ODPA) STAFF

Hansel Alejandro Aguilar, Director of Police Accountability
Jose De Jesus Murillo, Policy Analyst
Jayson Wechter, Investigator
Keegan Horton, Investigator

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Commented [WL1]: Should commendations be included as a section? Any of our other mandated activities?

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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 stakeholders 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 has taken 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 the 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 the 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 the 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.

MESSAGE FROM THE DIRECTOR OF POLICE ACCOUNTABILITY

Dear Residents of Berkeley,

As the inaugural Director of Police Accountability for the City of Berkeley, I am both humbled and energized by the opportunity to serve our community in a role that is central to the ideals of justice, transparency, and community trust. This report encapsulates not just the activities and developments within the Office of the Director of Police Accountability (ODPA) and the Police Accountability Board (PAB) but also reflects our collective aspiration for a community-centric model of policing that champions the highest standards of integrity and fairness.

The journey of the past two and a half years has been one of foundational progress and ambitious vision-setting. From the establishment of new investigative protocols to the strengthening of community engagement, the ODPA, under the guidance of the PAB, has been steadfast in its mission to ensure that each interaction between the Berkeley Police Department and our residents aligns with our shared values.

This period has been marked by the institution of innovative practices, such as the implementation of an assisted animal intervention program and the pioneering use of a complaints and compliments software system. These initiatives, among others detailed in this report, signify our commitment to not just maintain but elevate Berkeley's standing as a beacon of progressive police oversight.

However, our work is not without challenges. As we continue to refine our oversight mechanisms and deepen our engagement with all segments of Berkeley's vibrant community, we remain cognizant of the obstacles that lie ahead. This report candidly discusses the areas where we seek improvement, the barriers we must overcome, and the strategies we must employ to realize our vision of an equitable, accountable, and community-focused model of policing.

In closing, I extend my heartfelt gratitude to the residents of Berkeley for their engagement and support. The road ahead is one we walk together, fortified by our shared belief in the power of accountability to not only safeguard but also enhance the fabric of trust that binds our community. It is this belief that will guide our efforts as we strive towards a future where justice, dignity, and respect are the hallmarks of every police encounter.

EXECUTIVE SUMMARY

The Berkeley Police Accountability Board (PAB) presents this comprehensive triennial report¹, offering a transparent and insightful overview of the Board's activities and the Berkeley Police Department's (BPD) operations from 2021 to 2023. Despite challenges, including vacancies and transitioning from the Police Review Commission to the PAB, substantial progress was made in reinforcing oversight and upholding the values of accountability and trust within the community.

The PAB, fortified by the dedicated efforts of the Office of the Director of Police Accountability (ODPA), has strived to optimize investigative processes and enhance public trust through policy reviews, complaint analyses, and community engagement. During this period, the ODPA received a total of 52 complaints, which served as a critical gauge of public sentiment toward local law enforcement and highlighted the importance of comprehensive oversight mechanisms.

In line with the City Charter, this report delves into the analysis of police activities, from personnel complaints to use of force data, providing a holistic picture of law enforcement interactions within Berkeley. Demographic data on stops, citations, arrests, and the use of force underscore our commitment to addressing and mitigating racial disparities and disproportionalities. Innovative initiatives, such as the partnership with Sivil Technologies Inc. and the launch of an animal-assisted intervention program, exemplify the Board's and ODPA's dedication to pioneering methods in police oversight.

The report acknowledges the differing perspectives and outcomes of the PAB, Chief of Police, and City Manager on complaint dispositions, emphasizing the need for a unified approach to strengthen the efficacy of civilian oversight. It is our collective responsibility to embrace these findings and recommendations to ensure a fair, transparent, and accountable policing model for all Berkeley residents.

Key Observations

- **Advisory impact in Personnel Complaints:** As it relates to Personnel Complaint Investigations, there was no case where a PAB decision impacted the Chief's tentative findings and or the City Manager's final decision.
- **Policies, practices and procedures:** The Council, City Manager and BPD demonstrated partial interest in adopting recommendations sent by the PAB.
- **Overstrained and understaffed:** During its infancy, the PAB (for various reasons) saw considerable turnover. This impacted many of its operations and activities including the ongoing finalization of the final regulations. Similarly, the ODPA staff has been attempting to fill vacancies throughout the period of review with the backdrop of the City's hiring and retention crisis.

Commented [WL2]: I don't this delves into a meticulous analysis is the best wording here. And I don't think it's an analysis of police activities overall. Instead its an overview of the work of the PaB/ODPA for the reviewed period, correct?

Commented [WL3]: Disproportionality and I don't think we can address or mitigate but we can point it out and recommend related action steps.

Commented [kc4]: This paragraph is confusing. I know you are trying to be diplomatic...

Commented [WL5]: I would make this stronger. Not differing perspective. The report highlights distinctions between PAB recommended complaint dispositions and the direction ultimately taken by BPD and the City Manager. The uniform disconnect in results calls into questions the City's commitment to the oversight process.

Commented [kc6]: Again, unclear what you mean here.

Commented [WL7]: What does partial interest mean?

Commented [WL8]: ODPA staff vacancies stated here and below. I would pick one and leave it at that.

- **Implementation, Coordination, and Operationalization:** The significant transition from the PRC model to the PAB-ODPA system through Measure II requires comprehensive and careful coordination. The PAB and ODPA have faced considerable challenges and obstacles in operationalizing the new oversight system through delayed access to information, services, records, and assistance from various departments within the City.
- **Building infrastructure:** In order to accomplish the ambitious duties as described in the City Charter, the PAB and ODPA require the appropriate resources. To that end, the ODPA has been prioritizing filling staff vacancies, procuring technological tools and resources that will enhance the capabilities of the office, and interfacing with the various stakeholders.
- **Outreach and community involvement:** During the period of review, the PAB and ODPA were involved in a few activities of engagement, but recognize the importance of having a robust and sustainable outreach and engagement program.
- While not novel, one of the key observations in reviewing Berkeley Police Department activities during the period in question, it is evident that **racial disparities and disproportionalities still linger** in policing in the City. The continuous oversight work of the PAB through its numerous subcommittees such as those on Fair and Impartial Policing Implementation, and Surveillance and Technology; serves as an integral component of the City's accountability mechanism that can continue to monitor and advise on ways the Department and the City as a whole can adapt and improve its policies, practices, and procedures to reduce and eliminate racial disparities and disproportionalities in policing.

Commented [WL9]: These bullets could be more clear. Are you trying to say - we need to do more outreach?

Recommendations for the Council, City Manager, and People of Berkeley

1. **Enhance Collaborative Efforts:** It is imperative that we continue to foster a cooperative environment between the PAB, the BPD, and the community, to ensure that the principles of Measure II are fully realized.
2. **Ensure Full Staffing:** The ODPA should be fully staffed to effectively support the PAB's investigative and policy functions. Similarly, the Board should have a full contingent of nine Members, with each nominated by each Council Member
3. **Clarify Protocols:** Protocols should be established to guarantee that the PAB is incorporated into city governance structures as envisioned by the city charter.
4. **Amplify Community Voices:** We must increase efforts to include diverse community perspectives in the oversight process, ensuring that all residents feel represented and heard.
5. **Finalize Regulations for Handling Complaints:** The PAB and the ODPA urgently seek institutional support to allow Council to adopt the final regulations. These regulations aim to refine the investigative processes, ensuring that they are thorough, fair, and transparent.

Commented [WL10]: What does this mean? Absent any specifics this is not a good recommendation.

Commented [WL11]: Is it not fully staffed? only 50 complaints in 3 years? Do we need all the investigator staff we have?

Commented [WL12]: Who is this a recommendation for? The city council? In terms of making appointments to the PAB? If so, let's be clear about that.

Commented [WL13]: Dire doesn't make sense as a word here. What is meant by institutional support? Let's be more specific.

- 6. **Monitor and Assess:** The PAB must regularly monitor and assess the effectiveness of BPD policies, particularly those related to the use of force, to promote the safety and dignity of all community members. To that end, more support is needed from the Department to ensure the policies reflect the voices of all stakeholders.
- 7. **Support Oversight Infrastructure:** Adequate resources must be allocated to the PAB and ODPA to fulfill their oversight duties effectively, as mandated by the City Charter.

Commented [WL14]: Huh? In order for the PAB to monitor we need more support from the department to ensure policies reflect voices of stakeholders?

Commented [WL15]: What does this mean?

PURPOSE OF THE REPORT

CIVILIAN OVERSIGHT IN BERKELEY, CA



This Triennial Report¹ details the PAB and ODPA's oversight of Berkeley Police Department (BPD) activities, following their establishment in July 2021 to modernize civilian police oversight. Mandated by [Berkeley Charter Section 125\(16\)\(b\)](#), the Annual Report analyzes BPD operations from July 2021 to December 2023. Contents include complaint summaries, policy evaluations, disciplinary actions, training reviews, and trends in law enforcement activities. Aimed at enhancing transparency and accountability, the report has been reviewed for legal compliance as required by the Charter. Furthermore, it

Commented [WL16]: Are policy evaluations in the report or summaries of policy evaluations that have been conducted?

underwent approval by the Board on March 27, 2024, before being presented to the Mayor and City Council, City Manager, and the Chief of Police at a City Council meeting. This Triennial Report 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

The PAB and ODPA collaborate to independently oversee the Berkeley Police Department. The PAB, comprising 9 members chosen by the Mayor and City Council, advises the City Council, City Manager, and public on police department operations. Outlined in [Berkeley Charter Section 125\(3\)\(a\)\(1\)](#), the PAB's powers include:

- (1) advising on department policies,
- (2) reviewing agreements with other law enforcement agencies,

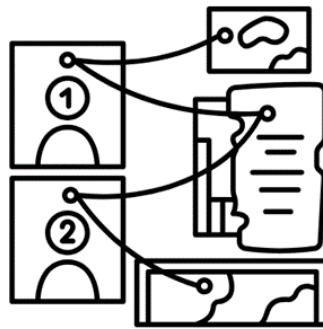
¹

- (3) considering complaints and recommending discipline,
- (4) participating in hiring the Chief of Police,
- (5) accessing records and subpoenaing witnesses,
- (6) establishing rules, and
- (7) other duties assigned by the City Council.

The ODPa supports the PAB's functions, as outlined in City Charter 125(14).

Investigative Processes and Procedures

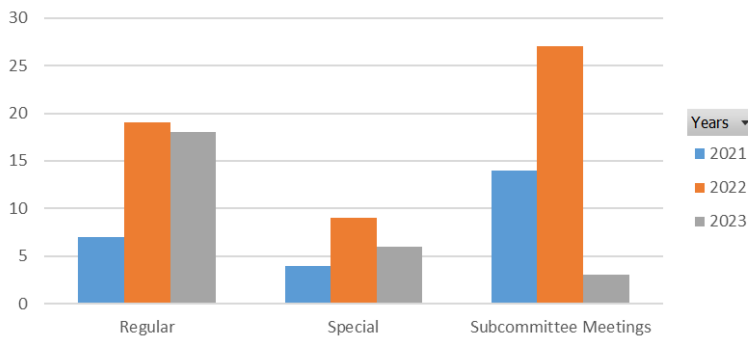
The PAB's and ODPa's investigative processes and procedures are outlined in [Berkeley Charter Section 125\(18\)](#) and [Interim Regulations for Handling Complaints Against Sworn Officers of the Police Department \(Interim Regulations\)](#). The PAB and ODPa Interim Regulations were approved by the Berkeley City Council on October 5, 2021, but the Final Regulations are still undergoing the meet and confer process and have not been presented to Council for approval.



Commented [WL17]: I don't think this is needed.

BOARD ACTIVITIES

Figure 1 Number of Meetings held by PAB



Source: PAB attendance logs

In accordance with [Berkeley Charter Section 125\(13\)\(a\)](#), the Board must schedule at least eighteen (18) regular meetings each calendar year

not including any special or subcommittee meetings. In addition to the regular meetings,

the Board has engaged in various subcommittee meetings and special meetings called to address time-sensitive matters. Within its 30 months of operation, the PAB has held 107 meetings for a total of 263 working hours². See Figure 1 for an overview of the PAB's Meetings.

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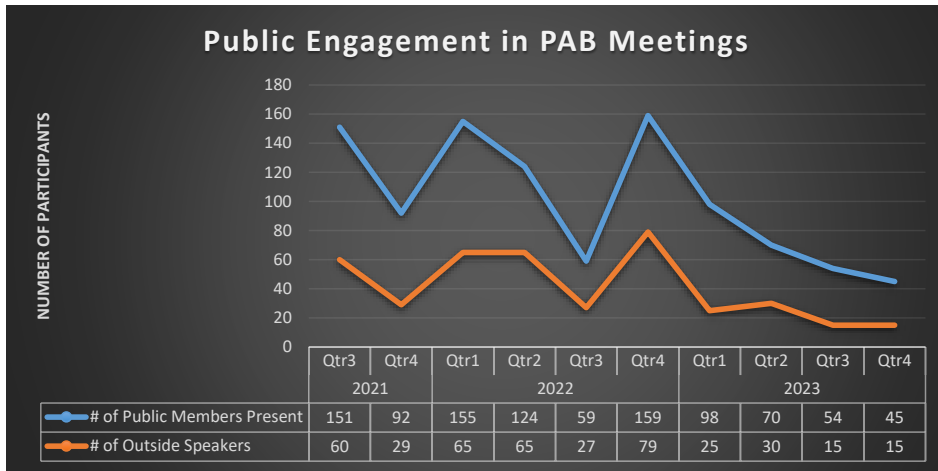
Public Engagement

[Berkeley Charter Section 125\(1\)](#) outlines a key goal of the PAB: to involve the community in shaping and reviewing Police Department policies. To achieve this, the ODPa has worked on improving community engagement, particularly in PAB activities. Through analyzing data and attendance patterns from Zoom meetings, the ODPa gains insights into public engagement effectiveness, informing the creation of a strategic communication and outreach plan. For the purposes of this report, "public engagement³" is analyzed quantitatively through the number of individuals present at the PAB meetings (see Figure 2) and the average time spent in PAB meetings (see Figure 3).

² The PAB has been in operation since July of 2021. The working hours noted does not include any individual time spent by Board members reviewing or editing material prior to scheduled meetings, completing required training hours, or participating in complaint hearings.

³ During the period of review, which coincided with the pandemic and virtual meeting protocols, the ODPa mainly measured "public engagement" through the Zoom attendance logs. The ODPa is currently working on systematizing the record keeping of participation in hybrid environments.

Figure 2 Public Participation

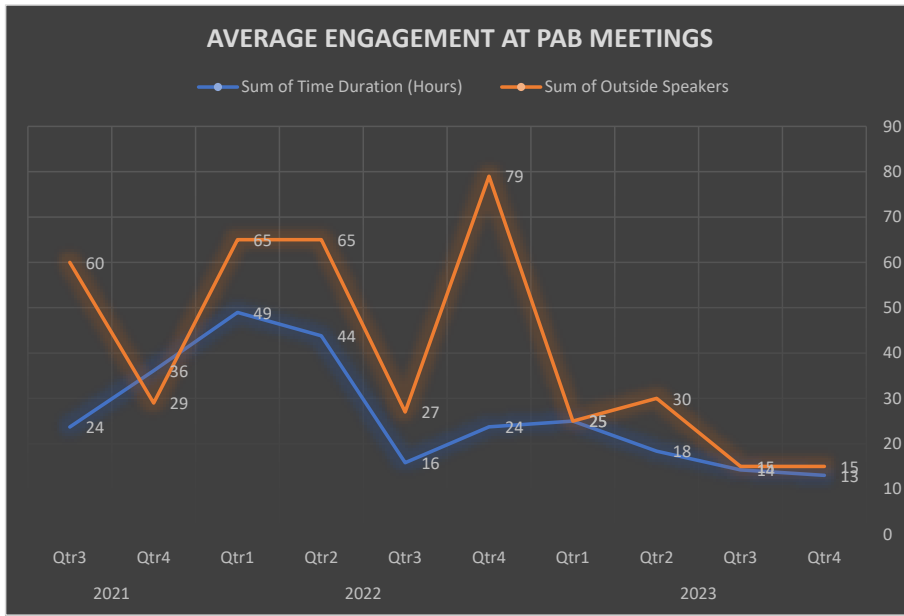


As can be observed by Figure 2, the number of participants (i.e. Public Members Present) and individuals who participated in the public comment section (i.e. Outside Speakers) has declined throughout the various quarters of the period of review. While, neither the PAB nor the ODPa can provide definitive explanations for this without the systematic surveying of the participants, there are various logical explanations that can explain these varying levels of engagement⁴. Factors such as individual outreach efforts, network discussions, and media coverage may influence attendance. **infrastructural**

Commented [WL18]: Is this a word?

⁴ The Institute for Local Government has provided some advice on how to promote engagement. For more see: Promoting Effective Public Participation at Governing Body Meetings: Opportunities to Deepen Public Participation and Trust https://www.ca-ilg.org/sites/main/files/file-attachments/public_meeting_piece_final_cp.pdf?1392852838

Figure 3 Speakers and Hours Spent at PAB meetings



Similarly, Figure 3 above explores the metric of “public engagement” through a visualization of the total number of community members present and their average time spent at PAB meetings. This consistent engagement underscores the Board’s commitment to transparent governance and active involvement in the oversight of the Berkeley Police Department.

In addition to those activities, the PAB and the ODPa hosted and or participated in a few outreach or engagement events that took place either virtually and or in-person. To name a few:

Virtual Community discussions:

- Friends of Adeline Community Meeting (2023)
- Community Input Session_ Automated License Plate Readers (ALPR): A Discussion on ALPRs in the City of Berkeley (2023)
- UC Berkeley Police Accountability Board Meeting (2023)

In-Person Events:

- Career fair at Leadership Public School-Hayward (2023)
- Know Your Rights Presentation at HOPE Center (2023)
- Discussion with Law & Social Justice pathway program students at Berkeley High School (2023)

Commented [WL19]: Is this in-person attendance? These numbers also seem to have plummeted.

- UC Berkeley- DeCal Course Guest Speakers: People's Investigations and Campaigns (2023)The Police Accountability Board;
 - Policy vs. Misconduct Complaints;
 - Data Organization; and
 - Access to Records
- Participation at the Berkeley Juneteenth Festival (2022-2023)50th Anniversary of Civilian Oversight of Law Enforcement in the City of Berkeley (2024)

Analysis of meeting attendance data from Figures 2 and 3 reveals significant trends. Remote PAB meetings attract heightened viewer participation, particularly during events of substantial public interest. This underscores the importance of specific topics in driving public engagement. However, limitations exist in understanding these patterns; data collection does not capture participants' awareness sources or motivations beyond general topic interest. It is clear that community members devote considerable time and effort toward engaging in these discussions. This consistent engagement underscores the Board's commitment to transparent governance and active involvement in the oversight of the Berkeley Police Department.

To systematically track and interpret attendance trends and broader public engagement, the work of the ODPa Data Analyst⁵ will be crucial. The future analysis will include conducting post-Zoom surveys, focus groups, and other methods to obtain information about why community members participate and if there are any barriers to participation to consider. This data-driven approach enhances community engagement, fulfilling the charter's mission of inclusive police oversight. Improved understanding fosters transparency, accountability, and public involvement in Berkeley's law enforcement oversight. Additionally, the office invested in a cost-effective solution to maintain hybrid participation post-COVID-19 restrictions, procuring "Meeting Owl"⁶ devices to enhance the hybrid experience and ensure accessibility for all stakeholders.

Commented [WL20]: I'm not sure what this data-driven approach refers to.

Commented [AH21R20]: Inserted the sentence to address the concern

⁵ This is a key role that has been vacant through the period of review. The DPA has been collaborating with personnel in the human resources department to identify an individual to fill this key position. During the period of review, the ODPa has established a division of labor to divide the workload to be completed by this individual.

⁶ For more information about this device and how it has been utilized by other organizations, consider visiting: <https://resources.owllabs.com/case-studies/tag/business>

Personnel and Policy Complaints⁷

A summary of the number, type, and disposition of complaints filed with the Board;

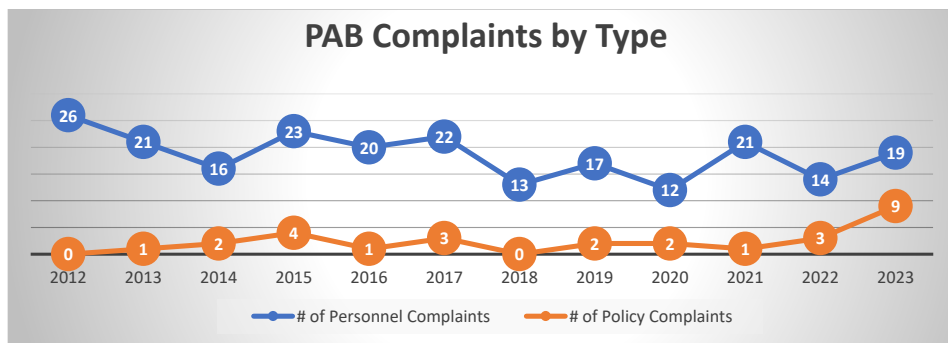
Over the report period, the ODPa received fifty-eight- (52) complaints—sixteen (16) in 2021; seventeen (17) in 2022; and nineteen (19) in 2023. It's important to note that although the City of Berkeley may be a relatively "low complaint" jurisdiction, understanding the reasons that motivate individuals to file complaints—or not to file complaints-- is challenging. On a national level, according to the findings⁸ of the most recent U.S. Department of Justice's Police-Public Contact Survey (PPCS), about 1% of U.S. residents reported that police behaved improperly. Without replicating such rigorous generalizable survey, the "true pulse" or the sentiments of the community toward the local law enforcement or the perceptions about the interactions are difficult to ascertain. Given that the BPD (through BPD Special Order 1106.7) requires that BPD Officers "shall offer business cards to all detained individuals," the City may have a mechanism for obtaining data from detained individuals about their perceptions of police encounters. Per the special order, the cards will have QR code which directs to a link for commendations, concerns, and information on police-civilian encounters. The ODPa has modeled this approach and has also included a QR code with information regarding the ODPa complaint forms and the BPD complaint and commendations page.

Commented [WL22]: Seems to me that we should start with this as opposed to the rather lengthy community engagement section.

Commented [kc23]: Is it 33 or 50? Also these numbers have to correspond to the numbers given for 2021, 2022, and 2023.

Commented [WL24]: Above we say 50?

Figure 4 Complaints received by the PAB



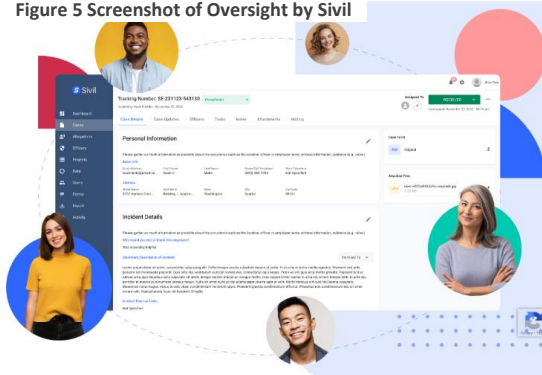
Commented [WL25]: This all seems very defensive. How does the number of complaints filed annually compare to the PRC days? How do we compare to other similarly sized jurisdictions? If we aren't going to include this info I don't think we should start this section off with a defense of our low numbers that aren't put into context.

⁷ Policy reviews initiated by the PAB without a complaint are not included.
⁸ Tapp, S. N., & Davis, E. J. (2022). Contacts between police and the public, 2020. emergency, 100(8,573,900), 8-573.
<https://bis.oip.gov/sites/g/files/xyckuh236/files/media/document/cbpp20.pdf>

Also noted in Figure 4 is the amount of complaints received regarding policies, practices and or procedures (which the PAB refers to as 'Policy Complaints'.) Compared to personnel complaints, policy complaints represent a much lower total: one (1) complaint in 2021; three (3) complaints in 2022; and nine (9) in 2023. Notwithstanding, these complaints can contribute to the ongoing work of addressing systemic issues that can improve the BPD and in turn improve public trust.

The trend in policy complaints received by the ODPa from 2021 to 2023, as displayed in Figure 4, indicates that community members are interested in addressing systemic issues within the Berkeley Police Department (BPD).

Figure 5 Screenshot of Oversight by Sivil



In a pivotal move to further augment its intake practices and case management system, the ODPa has announced a groundbreaking partnership with Sivil Technologies Inc., introducing a state-of-the-art complaints and compliments software system. This new system, designed to revolutionize how police interactions are reported and managed, promises to make the process more transparent, accessible, and equitable for all community members. With features enabling individuals to file complaints and compliments directly, request reviews of internal affairs investigations⁹, and submit service improvement recommendations, this software system aims to streamline communication between the community, the ODPa, and the BPD. Furthermore, the inclusion of an online data dashboard will provide stakeholders with real-time access to complaints and compliments received, embodying the City's commitment to fostering a transparent and responsive law enforcement environment.¹¹

⁹ Charter Section 125(19)(e)(1) allows for complainants to contest the Chief of Police's determination to the Director of Police Accountability in cases where the finding is "not sustained", "unfounded" or "exonerated", within twenty (20) days after notification to the complainant is mailed.

Commented [WL26]: If we want to show overall PAB workload shouldn't we also include PAB-initiated policy reviews?

Commented [WL27]: This wording is off. Are we trying to say the number of policy complaints filed annually has risen significantly over the report period?

Commented [AH28R27]: Reworded to make less confusing

Commented [WL29]: Request that who review internal affairs investigations?

Commented [AH30R29]: Added footnote to address

Commented [WL31]: w/c environment

Commented [WL32]: In general there are a lot of filler sentences that seem like we are patting ourselves or the community on the back. I don't think we need so many of these.

Complementing these strides in technology and oversight, the ODPa has also

Figure 6 Lucky- the ODPa therapy animal



Photo credit: City of Berkeley

launched an innovative animal-assisted intervention (AAI) program—believed to be the first of its kind in the field of civilian oversight nationally—featuring Lucky, a therapy animal. The ODPa's therapy animal, Lucky, a chocolate mixed Labrador Retriever and Cocker Spaniel from Puerto Cortes, Honduras, has been registered with [Pet Partners](#)¹⁰. Lucky's presence has been pivotal in promoting community well-being, offering comfort to community members, and participating in outreach events. The inclusion of Lucky not only supports the ODPa's person-centered, trauma-informed approach to investigations but also underscores the commitment to enhancing community relations and well-being, in line with the principles of civilian oversight.

These forward-thinking initiatives, from the implementation of a sophisticated online dashboard for real-time feedback to the compassionate presence of Lucky, signify the ODPa's dedication to embodying the City's strategic goals. They ensure services are not only customer-focused, timely, and easily accessible but also aligned with the pursuit of social and racial equity. Collectively, these measures contribute profoundly to building public trust and addressing systemic challenges within community policing.

Commented [WL33]: What has been discussed so far that addresses racial equity goals?

¹⁰ To learn more about Pet Partners and the benefits of AAI: <https://petpartners.org/about/>

Summary of the number, type, and disposition of complaints filed with the Police Department by members of the public¹¹;

Analysis of the data across three years, as found in Figure 7, the BPD's Internal Affairs Bureau statistics, reveals trends and fluctuations in the nature of community complaints and the corresponding responses from the Department. From 2021 to 2023, there has been an evolution in the number and types of allegations made against the Department, with a noteworthy instance being the category of 'Improper Procedure,' which saw a sustained finding of thirty-four (34) in 2021, nine (9) in 2022, and three (3) in 2023. The reduction in sustained allegations of improper procedure may suggest improvements in departmental operations or shifts in community-police interactions.

In 2021, a total of one hundred two (102) allegations were made in the forty-four (44) complaints received, with forty-three (43) sustained, while in 2022, one hundred forty-two (142) allegations were made in the twenty-four complaints received with nine (9) sustained. The year 2023 witnessed two hundred thirty-eight (238) allegations over thirty-six (36) complaints received with only four (4) sustained. This significant increase in allegations alongside a decrease in sustained complaints may indicate a rise in community awareness and willingness to report concerns, paired with potential improvements in policing practices.

Notably, 'Discourtesy' and 'Inadequate Investigation' have remained prevalent concerns throughout the years, with the latter seeing a consistent number of active complaints. However, no sustained allegations were recorded for 'Improper Detention (Jail)' and 'Discrimination' in any of the three years, suggesting these particular concerns were unfounded or resolved without disciplinary action. This paragraph is confusing. It seems to mis complaints (discourtesy and inadequate investigation) with sustained allegations.

Figure 7 BPD IA Allegation Statistics

2021-2023 BPD Allegation Data				
Allegation	2021	2022	2023	
Improper Use of Force	4	19	25	
Discourtesy	17	22	45	
Improper Stop/ Search/Seizure/ Arrest	11	33	26	
Inadequate Investigation	10	21	49	

¹¹ The complete Internal Affairs Bureau Statistics for each year can be located in Appendix 2 of this report.

Commented [AH34]: From LW: "Or something else like the police are closing ranks on the department."

Improper Detention (Jail)	0	0	0
Discrimination	6	12	31
Harassment	1	2	14
Improper Procedure	50	27	39
Improper Citation/Tow	2	2	2
Other	1	3	5
Dishonesty	0	1	2
Vehicle Collisions	0	0	0
Total	102	142	238

Complaint Dispositions

An analysis of police misconduct complaint data has highlighted significant findings regarding the consistency of decisions between the PAB, the Chief of Police, and the City Manager (CM). Procedurally¹², 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.

The agreement rate—an essential measure of this consistency—has been a focal point of our review. For the period covered by this report, a total of 79 allegations were examined, with an agreement rate of 30.38% between the PAB and the Chief. Notably, this stands in stark contrast to the Chief and the CM, where there was a complete alignment in findings, marking an agreement rate of 100%. As calculated in this report:

$$\text{Agreement Rate} = \frac{\text{Total Number of Allegations Reviewed}}{\text{Number of Agreements between PAB and Chief}} \times 100$$

¹² The full procedure of complaints filed with the Director of Police Accountability can be found in Charter Section 125(18)

Commented [WL35]: Are we now moving away from internal affairs complaints? This seems to be about PAB complaint disposition. This doesn't flow here. Perhaps you should move this up above where you outline the number of complaints received by the PAB? Or move the internal affairs section elsewhere so it isn't just plopped in the middle?

Commented [WL36]: This is our most important section and it is pretty hard to follow. I inserted a table b/c I think it's important to be very clear about the data. I don't think we need to put the formula in the report as it's obvious how you derive the %'s.

Commented [WL37]: Where do we provide data similar to that laid out in Figure 7? A summary of the allegations in the complaints filed with us? What about information about any repeat officers?

Commented [WL38]: This language could be a lot clearer. I'm not sure how an analysis highlights significant findings. The analysis revealed a disconnect or lack of alignment?

Commented [kc39]: If the Chief agrees with us it does not go to CM, correct? I think we need to explain this.

Commented [WL40]: Consistency is not the right word.

Commented [kc41]: I'm not sure the agreement rate is meaningful without knowing the specifics. The point is rather that when we sustain, she doesn't and the CM always agrees with her.

Agreement Rate= (24/79)×100

Agreement Rate≈ 30.38%

Complaints Received	Sustained By PAB	BPD Agreement with PAB Finding	PAB Appeal to CM	CM Agree with PAB	CM Agree with BPD
79	23	4	?		

A critical finding of this period reveals that, of the 72 allegations reviewed by the PAB and the BPD, 23 were recommended to be sustained by the PAB. However, for those 23 allegations, the BPD and/or the City Manager only sustained 4. Of the other nineteen allegations sustained by the PAB, the Chief did not agree with the Board, and the City Manager agreed with the Chief 100% of the time..This significant discrepancy between the findings on one hand of the PAB in which they sustain an allegation, and the Chief and City Manager on the other, are of concern. Such a disparity in findings raises questions about the differing standards or interpretations applied to the cases and warrants further examination to enhance the coherence and effectiveness of police oversight.

During this same period, the PAB received five (5) allegations of improper use of force and six (6) allegations of discrimination. In both categories, the PAB did not sustain any allegations, finding no violation by a preponderance of evidence. This finding underscores the rigorous evidence standards applied by the PAB and emphasizes the complex nature of substantiating such allegations.

This 30.38% agreement rate between the PAB and the Chief, coupled with the noted discrepancies in sustained allegations, suggests an opportunity for improving the alignment and clarity in the review process. Understanding the underlying causes of the disagreements between the PAB on one hand, and the Chief and the CM on the other

Commented [WL42]: In the Key Observations section above I think we say none have been sustained by BPD?

Commented [AH43R42]: The referenced language above indicates: "there was no case where a PAB decision impacted the Chief's tentative findings and or the City Manager's final decision." This is not inconsistent with this observation. There is no indication that the PAB finding influenced those sustained allegations.

Commented [AH44]: From LW: "I'm not sure why we are calling this out? Clearly we are pretty rigorous as we only sustained 23/79 allegations."

is essential. Addressing these differences is key to achieving the ODPA's objectives of fostering a fair, transparent, and accountable police oversight mechanism. Such efforts will support an environment of trust and collaborative engagement among all entities involved in police accountability, ultimately leading to more unified and just outcomes.

Commented [AH45]: From LW: "This is a long paragraph. While the PAB does not suggest that the department should agree with all of its findings the systematic rejection of the majority of PABs findings calls into question BPD's and the CM's perceptions of the value of a community oversight function."

Self-Initiated 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.



Commented [WL46]: I think our policy work should be addressed in one section, and that, similar to complaints, we should provide some info re what policies we have addressed over the three year period.

Policy Subcommittees

Between the years 2021 and 2023, the PAB established thirteen (13) 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:

Commented [WL47]: I'm confused about why this is here. Above we have a section where we list out all of the meetings that have been held and the hours spent in those meetings. Why isn't this there? This seems very out of place.

NAME OF SUBCOMMITTEE	DATE OF ESTABLISHMENT
Regulations	July 7, 2021
Fair & Impartial Policing Implementation	August 4, 2021
Director of Police Accountability Search	August 4, 2021
Mental Health Response	November 10, 2021
PAB Budget Review	February 23, 2022
Fixed Surveillance Cameras	February 9, 2022
Controlled Equipment Use and Reporting	May 11, 2022

Chief of Police Selection Process	September 30, 2022
Policies and Practices Relating to the Downtown Task Force and Bike Unit Allegations	November 15, 2022
Conflict of Interest	March 28, 2023
Drone Use Policy	November 9, 2022
Lexipol Review	November 08, 2023
Commendations	November 08, 2023
Off-Duty Conduct	November 8, 2023

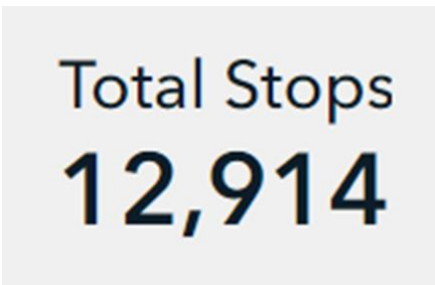
Berkeley Police Department Activity

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 section of the report includes 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.

In conducting this review, it is important to highlight and commend the Berkeley Police Department for its ongoing commitment to transparency and community engagement, exemplified through the utilization of the [Transparency Hub](#)¹³. This valuable tool not only facilitates public access to 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.

For the period under review, the BPD made a total of 12,914 stops. This figure, set



¹³ To access stop data on the BPD Transparency Hub, visit: <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/stop-data>

against the backdrop of Berkeley's 2020 Census population count of 124,321, provides a meaningful context for analyzing the frequency and nature of police-civilian interactions within the city.

A detailed breakdown of these stops across different monthly intervals, as illustrated in Figure 8, illustrates temporal patterns or trends in policing activities. For instance, an increase in stops during specific months might correlate with seasonal events, public holidays, or law enforcement initiatives. Conversely, a decrease in such activities could reflect changes in policing strategies, community events, or external factors affecting crime rates and police response.

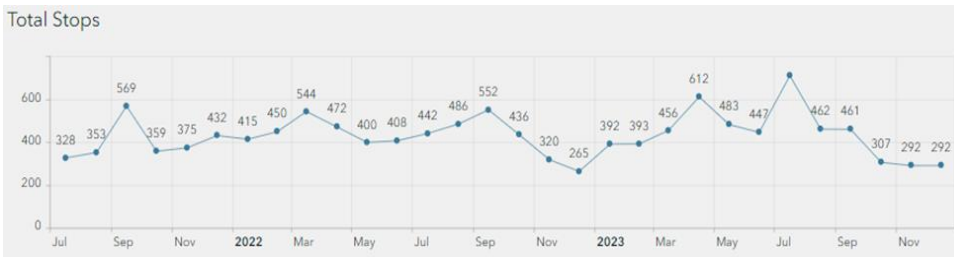
Given the city's population size, the number of stops equates to approximately 10.4% of the population having an encounter with the police over the two and a half years period, assuming no repeated stops of the same individuals. This rate of police interaction can be indicative of several factors, including the level of law enforcement engagement, community policing practices, and the overall crime rate in the area.

Furthermore, analyzing these stops in conjunction with the demographics of the individuals stopped, the reasons for the stops, and the outcomes of those stops can provide a comprehensive view of the BPD's policing practices. It can also help assess the effectiveness and fairness of law enforcement activities, contributing to discussions on police accountability and community relations. Such an analysis is crucial for the Office of the Director of Police Accountability to evaluate the BPD's performance and develop strategies to enhance policing practices, ensuring they align with community standards and values. A fuller breakdown of the stops for different monthly intervals throughout the period of review can be observed in Figure8 below.- we already addressed the monthly intervals above why is it referenced here too? I thought we were moving on to talk about demographics?

Commented [AH48]: From LW: "Do we have anything to say about this other than speculation? If not, I would remove. We are taking up page space and a graph without really saying anything."

Commented [WL49]: There is a section headed Demographics below. Should this paragraph be moved there?

Figure 8 Total Stops at Monthly Intervals 2021-2023

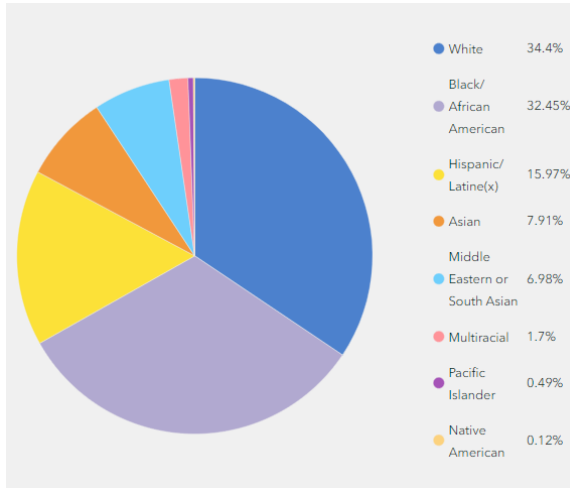


This annual report examines the policing activities in the City of Berkeley against the backdrop of the city's demographic makeup, as captured by the 2020 Census, which counted 124,321 residents. In the period under review, from July 1, 2021, to December 2023, the Berkeley Police Department (BPD) made 12,914 stops. A comprehensive month-by-month breakdown of these stops, presented in Figure 9, allows for a nuanced understanding of the trends over the specified timeframe.

Demographics of the individuals being stopped

A critical analysis, guided by insights from the May 2018 [Center for Policing Equity report](#)¹⁴, shows notable racial disparities in the stops conducted by BPD (see Figure 9). For example, White individuals, who make up a substantial portion of Berkeley's population, accounted for 34.35% of police stops, while Black or African American individuals, representing a smaller demographic slice of the city,

Figure 9 Racial Distribution of BPD Stops July 2021-Dec 2023



Commented [AH50]: From LW: "Figure 8 is the monthly breakdown, now referred to for the third time...?"

Commented [WL51]: Perhaps this section should follow the information on type of stop? Odd to lead with demographics.

¹⁴ To access the May 2018 The Science of Justice: Berkeley Police Department National Justice Database City Report visit: <https://newspack-berkeleyside-cityside.s3.amazonaws.com/wp-content/uploads/2018/05/Berkeley-Report-May-2018.pdf>

were subject to 32.45% of the stops. This suggests a disproportionate interaction rate with the police for the Black community when contrasted with their population size¹⁵. Similarly, Hispanic or Latinx individuals, who comprised 15.97% of the stops, are overrepresented when considering their demographic proportion in the general population.

The CPE report underscores the importance of such data to understand the complexities of racial disparities in policing. Specifically, as noted in page 5 of the report: The NJD analytic framework aims to distinguish among three broad types of explanations for racial disparities in policing, any or all of which can play a role in producing racial disparities in the City of Berkeley, as elsewhere:

Commented [WL52]: I think this is the first time the CPE report is referenced in this report? Seems like it comes out of nowhere.

Commented [WL53]: Why is there this long excerpt from the CPE report?

1. Disparities that arise from **community characteristics**. For instance, high crime rates or poverty within a community may draw increased police attention. Individuals within a community may place disproportionately more calls for service to police.
2. Disparities that arise from **police characteristics**. For instance, police may patrol some neighborhoods with less commitment to the dignity of those who live there. Or, deploying more officers to high-crime neighborhoods may produce disproportionately more interactions between police and non-White communities.
3. Disparities that arise from the **relationships between communities and police**. For instance, mistrust of law enforcement may incite members of some communities to flee approaching officers or resist arrest more than members of other communities do. Similarly, a sense that communities do not trust or respect police may cause officers to feel unsafe or defensive in some neighborhoods.

As the PAB and the ODPA work to promote fairness, transparency, and accountability, these figures are critical for evaluating BPD's commitment to equitable policing.

Commented [WL54]: What figures?

To that end, the Fair and Impartial Policing Implementation Subcommittee of the PAB is rigorously examining these statistics to move beyond the descriptive data presented in this annual report. Their work includes a careful review of the context and

Commented [WL55]: I don't think we are looking at context.

¹⁵ This area has garnered attention from both the community and the Board. While population demographics serve as a relevant benchmark, it's crucial to consider the residency status of individuals with whom the police interact to ensure an accurate denominator.

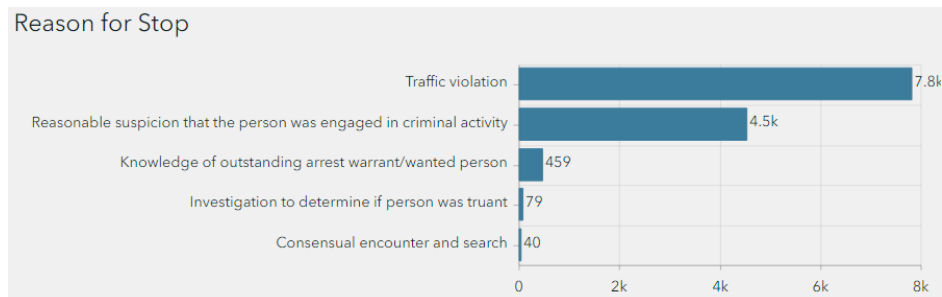
outcomes of the stops, aiming to identify and mitigate factors contributing to the observed racial disparities. This nuanced interrogation by the subcommittee aligns with the PAB's and the ODP's ongoing efforts to implement reforms that further align BPD's practices with community values of justice and equality. This crucial work is complemented by the diligence of two additional subcommittees: the Policies and Practices Relating to the Downtown Task Force and Bike Unit Allegations Subcommittee, and the Off-Duty Conduct Subcommittee. Both groups were convened in response to troubling allegations of discriminatory behavior by BPD officers, both during their service hours and in their personal time. The Downtown Task Force and Bike Unit Allegations Subcommittee is undertaking a critical examination of the specific policies and practices of these specialized units within the BPD. By investigating claims of on-duty discriminatory behavior, this subcommittee is helping to ensure that such units operate with fairness and without bias, fostering a safer and more inclusive community environment. Simultaneously, the Off-Duty Conduct Subcommittee is addressing the equally pressing issue of officer behavior outside of professional duties. This group is tasked with ensuring that the principles of professionalism and non-discrimination upheld by the BPD extend beyond the badge, reaffirming that officers represent the values of the department and the city at all times.

Together, the work of these subcommittees signals a comprehensive effort to reinforce a culture of accountability and respect within the BPD, aligning with the broader objectives of the PAB and ODP. Through these endeavors, we aim to strengthen the trust between the community and law enforcement, upholding Berkeley's pioneering legacy in progressive policing and oversight, and cementing our city's commitment to justice and equality for all. In light of these trends and with a commitment to continuous improvement, the PAB and the ODP acknowledges the importance of data-driven analysis in guiding policy reforms. We recognize the need for an intersectional approach that considers the multifaceted nature of policing, community engagement, and public perception. It is only through such comprehensive scrutiny and responsive action that we can work toward a policing model that serves all members of our community with fairness and respect.

Commented [WL56]: I am not sure this long bit on the work of PAB subcommittees makes sense here? Isn't this section an overview of BPD data?

Reason for the stop

Figure 10 BPD reasons for stops between July 2021-Dec 2023



In our in-depth analysis of the reasons for police stops by the Berkeley Police Department, we find a significant variance in the bases for these encounters. The data, as visualized in the bar graph in Figure 10, demonstrates that traffic violations are the predominant reason for stops, accounting for approximately 7,800 incidents. This is followed by stops made on the reasonable suspicion that the person was engaged in criminal activity, which number around 4,500. Far fewer stops are conducted based on knowledge of outstanding arrest warrants or wanted status, truancy investigations, or consensual encounters and searches.

The data, analyzed with the same level of scrutiny as the racial breakdown of stops, reveals areas that may require further policy consideration and/or review of training. The fact that traffic violations lead the reasons for stops may indicate a focused enforcement strategy on road safety or could suggest an area where implicit biases might manifest, especially if certain demographic groups are disproportionately represented within these statistics.

Reasonable suspicion stops, the second most common cause, raise critical questions about the nature of such suspicions and their outcomes. This category requires a close examination to ensure that such stops are justified and do not unfairly target specific communities, contributing to a disparity in the policing of different racial or ethnic groups.

Stops for known warrants are expectedly lower in number, reflecting a more targeted approach to law enforcement based on specific intelligence. Similarly, stops

for truancy and consensual searches are relatively rare, indicating their more occasional use in policing strategies.

Disposition of stops

Citations
4,034

The disposition of stops by the Berkeley Police Department (BPD) is a significant indicator of law enforcement outcomes and their implications for community policing. Within the period

Arrests
2,443

under review, the BPD recorded a total of 12,914 stops, which resulted in various dispositions, including 2,443 arrests, 4,034 citations, 592 psychiatric holds, and 4,366

Psychiatric Holds
592

warnings. Arrests, accounting for approximately 18.9% of all stops, signify more serious

Warnings
4,366

encounters requiring police to take individuals into custody. This figure prompts further examination to understand the nature of the offenses leading to arrests and to ensure that such enforcement actions are applied fairly and judiciously across all demographic groups.

Citations, issued in roughly 31.2% of stops, often reflect non-arrestable offenses but still imply significant law enforcement engagement. The BPD's citation practices warrant closer inspection to affirm that they are consistent with legal and departmental standards, and that they do not unduly target specific communities.

Psychiatric holds represent 4.6% of the stops and involve individuals who may pose a danger to themselves or others due to mental health conditions. This number reflects the intersection of public health and public safety and underscores the necessity for appropriate crisis intervention training for officers.

Warnings, given in approximately 33.8% of stops, suggest a discretionary practice where officers may be using their judgment to resolve situations without formal legal action. This approach can be indicative of community-oriented policing strategies aimed at education and deterrence rather than punitive measures.

The disparity in stop outcomes when overlaid with the racial demographics of those stopped suggests areas for further policy review. As noted earlier in this report, the Fair and Impartial Policing Implementation Subcommittee is actively analyzing these dispositions to identify any implicit biases or procedural inconsistencies. Their work extends

Commented [WL57]: In general - there are statements like this throughout the report. I don't think it's useful to have many statements saying prompts further examination, warrants more analysis etc. We should just stick to the facts, any conclusions we can draw, and then recommendations for further analysis - make those recommendations clear and include them in the Recommendations section.

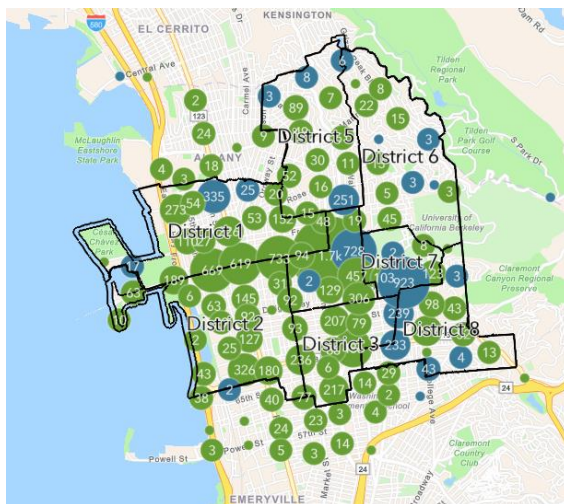
beyond numerical analysis, taking a holistic view that considers the totality of circumstances surrounding each stop.

In line with our mandate, the PAB and ODPa emphasize the necessity for a policing strategy that is rooted in fairness and impartiality. The BPD, under the oversight and the scrutiny of the PAB and ODPa, is expected to maintain practices that ensure equitable treatment for all residents. The ongoing analysis by the subcommittees, informed by rigorous and nuanced examination of the data, will continue to drive our commitment to enhancing accountability and fostering trust within the Berkeley community.

Location of stops

In evaluating the location of police stops across the various districts of Berkeley, the map in Figure 11 provides a visual representation that indicates a significant geographic disparity in police activity. The stops appear to be concentrated in certain districts, with Districts 1, 2, 3, and District 8 showing notably higher numbers of stops in comparison to other areas.

Figure 11 Location of BPD stops for July 2021 to Dec 2023



For instance, District 2 exhibits a substantial volume of stops, suggesting a higher level of police presence and/or activity. This could potentially be explained by a variety of factors, such as a greater density of traffic arteries, higher crime rates, or a larger number of calls for service in the area. Conversely, Districts 5 and 6 have fewer stops, which may reflect lower crime rates or different policing strategies.

The density and distribution of stops raise important questions about resource allocation and the equitable application of police services across the city. It prompts an assessment of whether the distribution of stops correlates with objective data on crime

and safety concerns, or if it indicates a need for reallocation to ensure fairness and effectiveness in public safety strategies.

This analysis is part of a broader effort to ensure that police actions are conducted equitably across all communities within Berkeley. The disparities highlighted by the map will be considered alongside demographic data and community feedback to guide policy recommendations. The goal is to ensure that all residents, regardless of their district, receive fair treatment and that police practices foster trust and cooperation with the public.

Commented [WL58]: By who?

Trends and patterns regarding use of force¹⁶

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.

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.

¹⁶ 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

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

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.

Total Incidents

894

This policy is required to be reviewed annually by the BPD and the PAB.

During the report period, there were 894 total incidents involving the use of force by the Berkeley Police Department (BPD), involving 913 subjects and 2,243

officers.

Subjects

913

The nature of these incidents varied, with a certain number being associated with individuals affected by alcohol (172 incidents), drugs (193

Officers

2,243

incidents), or identified as mentally unstable (165 incidents). However, in 138 instances, no altered state was detected, pointing towards a wide spectrum

Alcohol

172

Drugs

193

Mentally Unstable

165

No altered state detected

138

of circumstances that lead to the application of force.

Commented [AH59]: From LW: "These numbers don't add to 894 so it seems like there are many more than 138 where no altered state would be detected?"

Demographically, the distribution of subjects involved in these use of force incidents was as follows: Black individuals constituted 47.04%, White individuals 23.46%, Hispanic individuals 16.23%, with the remaining categories including Asian, Bi-Racial, Unknown, Indian, and Native American individuals making up smaller percentages of the total.

The number of officers involved compared to the number of incidents and subjects underscores the multi-officer nature of many of these encounters. This aspect also deserves a closer look to assess team dynamics and the potential for de-escalation techniques that may reduce the need for force.

The information on incidents related to alcohol, drugs, and mental instability points to the broader social challenges intersecting with law enforcement. These include the need for enhanced officer training in crisis intervention and substance abuse awareness, as well as the importance of collaboration with mental health professionals.

The data on use of force incidents presented in this report serves as a vital tool for ongoing evaluation and reform. It will inform the development of training programs, policy changes, and community engagement initiatives aimed at reducing the incidence and impact of forceful encounters. Through rigorous analysis and community-informed policy-making, the BPD and ODPa are committed to fostering a safe, fair, and respectful environment for all Berkeley residents.

Black	47.04%
White	23.46%
Hispanic	16.23%
Other	5.48%
Asian	3.62%
Bi-Racial	1.54%
Unknown	1.54%
Indian	0.88%
Native American	0.22%

Commented [WL60]: This doesn't really say anything AND FIP report does not look at use of force

Commented [WL61]: What is the it?

Commented [AH62R61]: "It" refers to the "data" referenced in the first section.

Officer-involved shootings

In 2023, two officer-involved shootings (OIS) occurred. These critical incidents, representing the most serious use of force by law enforcement, have profound implications for community trust and the perceived legitimacy of police practices. The ODPa and the PAB will initiate an independent investigation into one¹⁷ of these shootings, specifically the incident on November 6th, 2023, on Grayson and 7th Street after the related criminal proceedings are completed. This decision underscores our commitment

¹⁷ Charter Section 125(18)(a) and the Interim Regulations require that complaints be filed before allegations can be investigated. At this time, the ODPa has only received a filed complaint for one of the OIS incidents.

to transparency and accountability, particularly in incidents where the use of deadly force is involved.

While the Alameda County District Attorney's Office conducts a criminal investigation to determine the legality of the officers' actions, and the BPD's Internal Affairs Bureau assesses adherence to departmental policies, the ODPA's investigation will be critical in providing a holistic review of the incident. In keeping with California Senate Bill 1421 (SB1421) provisions and our city's charter, our investigation will focus on any potential violations of BPD policies, including the Use of Force (Policy 300) and Body Worn Cameras (Policy 425) policies, with careful consideration of constitutional standards and the mandates of safeguarding life, dignity, and liberty for all community members.

As we proceed with this inquiry, the ODPA is aware of the broader context of police interactions within the city. With 894 total use of force incidents involving 913 subjects and 2,243 officers over the period under review, the officer-involved shootings represent the most consequential of these interactions. The comprehensive analysis of these incidents is ongoing, with particular attention to the demographic disparities and geographic distribution of police stops, which could inform the conditions leading up to such serious outcomes.

The ODPA and the PAB remain steadfast in their pursuit of a fair and thorough investigation into the OIS incident, upholding the highest standards of civilian oversight. We encourage community members with pertinent information to come forward, helping to ensure a comprehensive evaluation of these critical events. The findings from these investigations will be instrumental in our ongoing work to foster public trust and accountability within the BPD.

Commented [WL63]: 2 paragraphs that I'm not sure of the value of. What do the stats mean in relation to 2 OIS? Is this a low number given the 894 total use of force incidents?

OBSTACLES, SETBACKS AND BARRIERS TO CIVILIAN OVERSIGHT IN BERKELEY

The pursuit of civilian oversight in Berkeley has been an evolving journey, one that spans over five decades. While the PAB and the ODPA are relatively new entities, established to modernize and expand the tools for civilian oversight, Berkeley's engagement with this concept is well-rooted and dates back 50 years. The city set out with the ambition to be a frontrunner in this space, reflecting a longstanding commitment to accountability and community participation in policing matters. Despite this rich

history, reflecting on the period between 2021 and 2023, civilian oversight efforts in Berkeley have confronted a gamut of challenges. These impediments have ranged from structural to operational, shedding light on the complexities of establishing a robust and effective oversight system within the existing municipal framework. These challenges underscore the difficulties inherent in actualizing the principles of civilian oversight as mandated by Measure II and envisioned by the community.

The PAB and the ODPA have navigated through significant hurdles, including the complex dynamic with the City Attorney's Office. Given the City Attorney's broad remit to advise all arms of the City—including the City Council, City Manager, and the Police Department—questions about impartiality and independence in oversight functions have been raised. Such complexities underscore the need for clear boundaries and dedicated legal support to ensure the integrity of the oversight process.

A tangible obstacle that emerged was delayed support from city departments, which manifested in prolonged access to information, services, and records essential for effective oversight. For instance, the ODPA has been engaged in discussions since December 2022 regarding the relocation to a new office location. Lack of coordination and cumbersome internal processes have resulted in multiple delays. In October 2022, the DPA requested City-issued accounts for Board members to improve internal and external communications, protect confidential personnel information, and support Board training and resource access. These requests were approved around October 2023. In several cases, the ODPA experienced delays in receiving case related records which impacted the ability to conduct a timely, thorough, accurate and impartial investigation. At least two cases were closed during the period of review because of the inability to investigate in a timely manner due to access to records. This not only hampered the operational agility of the PAB and ODPA but also posed questions about interdepartmental coordination and responsiveness. The city's staffing crisis compounded these challenges, with vacancies within the PAB and ODPA slowing down processes and affecting the timeliness of complaint handling and policy reviews. Despite this, efforts by the City Manager's and the Mayor's Office to convene stakeholder meetings were noteworthy, suggesting a level of commitment to addressing the oversight mechanisms' needs.

In the same vein, the drafting and finalization of regulations and procedures for handling complaints experienced delays. The protracted process of adopting final regulations, despite enhanced PAB initiative and resolve, has signified a systemic sluggishness that impedes the efficiency of the oversight function.

While the City Manager and Mayor's Office demonstrated interest in adopting recommendations from the PAB, there remains a discernible disconnect in how PAB decisions influence either the Chief's tentative findings or the City Manager's final decisions. Such a dynamic hints at the need for a more empowered PAB whose advisory recommendations carry consequential weight.

To overcome these challenges, the PAB and ODPa must receive adequate support and resources as mandated by the City Charter, to fulfill their oversight responsibilities effectively. Furthermore, it is essential that the infrastructural and staffing needs of the PAB and ODPa are prioritized, enabling them to address the systemic issues identified and thereby enhance public trust in civilian oversight. The coming period should focus on building robust mechanisms to ensure that the PAB's recommendations are not merely advisory but are integral to the decision-making processes related to police oversight. Moreover, the perceived conflict of interest with the City Attorney's Office needs addressing, ensuring that the PAB and ODPa can operate with unfettered independence and objectivity.

In conclusion, while strides have been made, there is a clear call for a strategic approach to bolster the civilian oversight function, fortifying its place within the city governance and enhancing its capacity to effect meaningful and responsive police oversight in Berkeley

CONCLUSION AND RECOMMENDATIONS

In conclusion, this triennial report underscores the imperative for continuous improvement in police accountability and community relations. The PAB and ODPa have made notable strides in laying the groundwork for an effective oversight mechanism, yet the journey towards an equitable policing system is ongoing. As we look to the future, it is crucial to consolidate the collaborative efforts of all stakeholders and to harness the insights gained from this period to foster a culture of trust and accountability.

Based on the analyses and data presented, we recommend the following:

1. Enhance Collaborative Efforts: We recommend continued efforts to foster a collaborative environment between the PAB, the BPD, and the community to fully realize the principles of Measure II.
2. Ensure Full Staffing: It is crucial to fully staff the ODPA to effectively support the PAB's investigative and policy functions. Additionally, the Board should have a full contingent of nine Members, each nominated by a Council Member.
3. Clarify Protocols: We suggest establishing protocols to ensure that the PAB is integrated into city governance structures as outlined in the city charter.
4. Amplify Community Voices: Efforts should be intensified to include diverse community perspectives in the oversight process, ensuring representation and inclusivity for all residents.
5. Finalize Regulations for Handling Complaints: Urgent institutional support is needed for the adoption of final regulations by the Council. These regulations aim to enhance investigative processes for thoroughness, fairness, and transparency.
6. Monitor and Assess: The PAB should regularly monitor and assess BPD policies, especially those related to the use of force, to promote community safety and dignity. Enhanced support from the Department is necessary to ensure policy alignment with stakeholder voices.
7. Support Oversight Infrastructure: Adequate resources must be allocated to the PAB and ODPA to fulfill their oversight duties effectively, as mandated by the City Charter.

In the spirit of continuous improvement, the PAB and ODPA remain resolute in their mission to serve as guardians of the public trust, ensuring that the policing in Berkeley is conducted with integrity, respect, and accountability. Our shared vision is a community-police partnership that values and upholds the rights and dignity of every Berkeley resident.

GUIDING DOCUMENTS AND AUTHORITY

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

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

California Government Code:
<https://leginfo.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

Police Accountability Board's Standing Rules:
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>

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 members¹⁸



¹⁸ Additional members of the PAB include:

- Michael Chang- served from June 2021-August 2022 before resigning to serve as a City of Berkeley School Board elected official.
- Nathan Mizell- served from June 2021- December 2022 before resigning to serve as a City of Berkeley Rent Board elected official.
- Ismail "Izzy" Ramsey- served from June 2021- February 2023 before resigning to become the USAO for Northern California.
- Regina Harris- served from June 2021- February 2024 before resigning for personal reasons
- Deborah "Dobbie" Levine- served from June 2021- May 2023 until her term expired.
- Cheryl Owens- served from June 2021- May 2023 before resigning due to concerns about the lack of support for the City's oversight system.

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Meet the Office of the Director of Police Accountability¹⁹

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 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.



¹⁹ Other ODPA staff during the period of review include: Kathy Lee, Interim Director; Byron Norris, PRC-ODPA Investigator; Beneba Thomas, Esq.- ODPA Investigator; and Maritza Martinez, OS III

Appendices



APPENDIX 1. COMPLAINTS SUMMARY TABLE FOR 2021-2022

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

Case Number	DPA 2		
Allegations	<p>Allegation 1. INADEQUATE INVESTIGATION Whether subject officers (2x) failed to adequately investigate the complainant's report of a restraining order violation.</p> <p>Allegation 2. IMPROPER POLICE PROCEDURES Whether the subject officers (2x) improperly failed to arrest the person named in the complainant's restraining order.</p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. SUSTAINED	1. SUSTAINED 2. SUSTAINED	1. UNFOUNDED 2. UNFOUNDED	1. UNFOUNDED Disciplinary Outcome:

Disciplinary Rec: No specific rec. 2. SUSTAINED Disciplinary Rec: No specific rec.			N/A 2. UNFOUNDED Disciplinary Outcome: N/A
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Case Number	DPA 3		
Allegations	<p>Allegation 1. DISCOURTESY <i>Whether the subject officer was discourteous towards the complainant.</i></p> <p>Allegation 2. IMPROPER POLICE PROCEDURES <i>Whether the subject officer failed to employ appropriate de-escalation techniques during the officer's contact with the complainant.</i></p> <p>Allegation 3. IMPROPER USE OF FORCE -- Improper Physical Contact <i>Whether the subject officer used improper force against the complainant.</i></p> <p>Allegation 4. DISCRIMINATION <i>Whether any of the subject officer's actions towards the complainant resulted from disability, gender, or racial bias.</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. SUSTAINED Disciplinary Rec: No specific rec. 2. SUSTAINED 3. UNFOUNDED 4. UNFOUNDED	1. SUSTAINED Disciplinary Rec: No specific rec. 2. SUSTAINED 3. UNFOUNDED 4. UNFOUNDED	1. NOT SUSTAINED 2. NOT SUSTAINED 3. UNFOUNDED 4. UNFOUNDED	1. NOT SUSTAINED Disciplinary Outcome: N/A 2. ---N/A--- 3. ---N/A--- 4. ---N/A---

Case Number	DPA 4		
Allegations	<p>Allegation 1. IMPROPER SEARCH -- Home <i>Whether subject officers (4x) improperly entered the complainant's place of residence.</i></p> <p>Allegation 2. IMPROPER EVICTION <i>Whether subject officers' (4x) actions constituted an improper eviction of the complainant.</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. SUSTAINED Disciplinary Rec: No specific rec. 2. SUSTAINED (4x)	1. SUSTAINED Disciplinary Rec: No specific rec. 2. SUSTAINED (4x)	1. NOT SUSTAINED (3x) & UNFOUNDED 2. SUSTAINED (3x)	1. NOT SUSTAINED (3x) & UNFOUNDED 2. SUSTAINED (3x)

Disciplinary Rec: No specific rec.	Disciplinary Rec: No specific rec.	Disciplinary ²⁰ Outcome: UNKNOWN & NOT SUSTAINED	Disciplinary Outcome ²¹ : UNKNOWN & NOT SUSTAINED
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Case Number	DPA 5 ²²		
Allegations	<p>Allegation 1. IMPROPER CONDUCT <i>Whether the subject officer engaged in unsafe or improper driving.</i></p> <p>Allegation 2. IMPROPER POLICE PROCEDURES - Failure to Provide Medical Assistance <i>Whether subject officers failed to provide medical assistance</i></p> <p>Allegation 3. DISCOURTESY <i>Whether subject officers exhibited discourtesy towards the complainant through their demeanor, tone, or statements.</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. SUSTAINED	1. SUSTAINED	1. PREVENTABLE	1. ---N/A---
2. UNFOUNDED	2. UNFOUNDED	2. UNFOUNDED	2. ---N/A---
3. SUSTAINED	3. SUSTAINED	3. UNFOUNDED	3. ---N/A---

Case Number	DPA 6		
Allegations	<p>Allegation 1. IMPROPER INVESTIGATION <i>Whether the subject officer failed to properly or adequately investigate the dispute between the complainant and third party).</i></p> <p>Allegation 2. DISCOURTESY <i>Whether the subject officer exhibited discourtesy towards the complainant through the officer's demeanor, statements, or tone.</i></p> <p>Allegation 3. IMPROPER POLICE PROCEDURES <i>Whether the subject officer failed to adhere to public health protocols during the officer's contact with the complainant.</i></p>		

²⁰ 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.

²¹ 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

²² This case has been partially resolved.

DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. UNFOUNDED	1. UNFOUNDED	1. UNKNOWN ²³	1. ---N/A---
2. UNFOUNDED	2. UNFOUNDED	2. UNKNOWN	2. ---N/A---
3. UNFOUNDED	3. UNFOUNDED	3. UNKNOWN	3. ---N/A---

Case Number	DPA 8		
Allegations	COMPLAINANT ALLEGED A TOTALITY OF FACTS THAT WERE CLEARLY IMPLAUSIBLE		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN CLOSED	1. ADMIN CLOSED	1. ---N/A---	1. ---N/A---

Case Number	DPA 9		
Allegations	COMPLAINANT ALLEGED A TOTALITY OF FACTS THAT WERE CLEARLY IMPLAUSIBLE		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN CLOSED	1. ADMIN CLOSED	1. ---N/A---	1. ---N/A---

Case Number	DPA 10		
Allegations	COMPLAINANT ALLEGED A TOTALITY OF FACTS THAT ARE CLEARLY IMPLAUSIBLE AND OTHERS THAT APPEARED TO BE FRIVOLOUS		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN CLOSED	1. ADMIN CLOSED	1. ---N/A---	1. ---N/A---

Case Number	DPA 16		
Allegations	OTHER		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. CLOSED THROUGH MEDIATION	1. CLOSED THROUGH MEDIATION	1. ---N/A---	1. ---N/A---

Case Number	DPA 20		
Allegations	<p>Allegation 1. IMPROPER DETENTION PROCEDURES -- Failure to Inform of Grounds of Arrest <i>Whether the subject officer failed to notify the complainant of the crime(s) that complainant committed.</i></p> <p>Allegation 2. IMPROPER POLICE PROCEDURES - Damage to Property</p>		

²³ 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.

	<p><i>Whether the subject officer failed to exercise proper care and handling of the complainant's property.</i></p> <p>Allegation 3. IMPROPER OR INADEQUATE INVESTIGATION -- False or Improper Police Report</p> <p><i>Whether the subject officer failed to produce an accurate report of the incident involving the complainant.</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. SUSTAINED	1. UNFOUNDED	1. EXONERATED	1. ---N/A---
2. SUSTAINED	2. SUSTAINED	2. NOT SUSTAINED	2. ---N/A---
3. UNFOUNDED	3. UNFOUNDED	3. EXONERATED	3. ---N/A---

Case Number	DPA 21		
Allegations	<p>Allegation 1. DISCOURTESY <i>Whether the subject officers exhibited discourtesy toward the complainant through their demeanor, statement, or tone.</i></p> <p>Allegation 2. DISCOURTESY <i>Whether the subject officers failed to provide appropriate information and service to the complainant.</i></p> <p>Allegation 3. DISCRIMINATION <i>Whether the subject officers' actions toward the complainant resulted from bias based on nationality or race.</i></p> <p>Allegation 4. IMPROPER OR INADEQUATE INVESTIGATION <i>Whether the subject officers failed to properly or adequately investigate dispute between the complainant and third party.</i></p> <p>Allegation 5. IMPROPER POLICE PROCEDURES <i>Whether the subject officers failed to remain impartial during their investigation of and contact with the complainant.</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMINISTRATIVELY ²⁴ CLOSED	1. ADMIN CLOSED	1. ---N/A---	1. ---N/A---

Case Number	DPA 22		
Allegations	<p>1. DISCOURTESY -- Failure to respond</p> <p><i>Whether the subject officer exhibited discourtesy toward the complainant by</i></p>		

²⁴ This case was administratively closed because of an inability to complete the process as indicated in the Charter within the 240-days.

	<p><i>not adequately responding to complainant's call for service.</i></p> <p>2. DISCRIMINATION -- Prejudicial Treatment <i>Whether the subject officer's actions toward the complainant resulted from nationality, racial, or ethnicity bias.</i></p> <p>3. IMPROPER OR INADEQUATE INVESTIGATION -- Failure to investigate <i>Whether the subject officer failed to properly or adequately investigate complainant's call for service.</i></p> <p>4. HARASSMENT -- Deliberate, annoying and repeated contacts <i>Whether the subject officer engaged in harassment towards complainant.</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN CLOSED UPON COMPLAINANT REQUEST	1. ADMIN CLOSED UPON COMPLAINANT REQUEST	1. ---N/A---	1. ---N/A---

Case Number	DPA 23		
Allegations	<p>1. DISCOURTESY -- Failure to provide information <i>Whether the subject officer exhibited discourtesy toward the complainant by not including complainant's statement in the police report.</i></p> <p>2. DISCRIMINATION -- Prejudicial Treatment <i>Whether the subject officer's actions toward the complainant resulted from racial bias.</i></p> <p>3. IMPROPER OR INADEQUATE INVESTIGATION -- False or improper police report <i>Whether the subject officer recorded false accusations about complainant in the police report.</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN CLOSED UPON COMPLAINANT REQUEST	1. ADMIN CLOSED UPON COMPLAINANT REQUEST	1. ---N/A---	1. ---N/A---

Case Number	DPA 24		
Allegations	<p>1. DISCOURTESY -- Failure to provide information <i>Whether the subject officer exhibited discourtesy toward the complainant by not including complainant's statement in the police report.</i></p> <p>2. DISCRIMINATION -- Prejudicial Treatment <i>Whether the subject officer's actions toward the complainant resulted from</i></p>		

	<i>racial bias.</i> 3. IMPROPER OR INADEQUATE INVESTIGATION -- False or improper police report <i>Whether the subject officer recorded false accusations about complainant in the police report.</i>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN CLOSED UPON COMPLAINANT REQUEST	1. ADMIN CLOSED UPON COMPLAINANT REQUEST	1. ---N/A---	1. ---N/A---

Case Number	2488		
Allegations	1. DISCOURTESY -- Abusive or Obscene Language <i>Whether subject officers used abusive or obscene language towards the complainant.</i> 2. IMPROPER USE OF FORCE -- Improper Physical Contact or Use of Weapons <i>Whether subject officers improperly used physical force or weapons against the complainant.</i> 3. IMPROPER ARREST <i>Whether the subject officer improperly arrested the complainant.</i> 4. IMPROPER POLICE PROCEDURES -- Improper Confiscation of Property <i>Whether subject officers improperly confiscated the complainant's property.</i> 5. IMPROPER INVESTIGATION -- False Police Report <i>Whether subject officers' police reports were false.</i> 6. DISCRIMINATION -- Gender <i>Whether any of the subject officers' actions constituted gender bias against the complainant.</i>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN. CLOSED	1. ADMIN. CLOSED	1. ---N/A---	1. ---N/A---
2. ADMIN. CLOSED	2. ADMIN. CLOSED	2. ---N/A---	2. ---N/A---
	3. ADMIN. CLOSED	3. ---N/A---	3. ---N/A---
	4. ADMIN. CLOSED	4. ---N/A---	4. ---N/A---

3. ADMIN. CLOSED	5. ADMIN. CLOSED	5. ----N/A----	5. ----N/A----
4. ADMIN. CLOSED	6. ADMIN. CLOSED	6. ----N/A----	6. ----N/A----
5. ADMIN. CLOSED	(The PAB initiated a policy review as a result of this complaint)		
6. ADMIN. CLOSED			

Case Number	DPA 17		
Allegations	1. IMPROPER USE OF FORCE -- Improper Physical Contact or Use of Handcuffs <i>Whether subject officers improperly used physical force or handcuffs on the complainant.</i>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN. CLOSED	1. ADMIN. CLOSED (The PAB initiated a policy review as a result of this complaint)	1. ----N/A----	1. ----N/A----

Case Number	DPA 19		
Allegations	1. IMPROPER DETENTION PROCEDURES <i>Whether the subject officer improperly detained individual at the Berkeley Jail.</i> 2. IMPROPER DETENTION PROCEDURES <i>Whether subject officers improperly released individual from police custody.</i> 3. IMPROPER POLICE PROCEDURES - Failure to Provide Medical Assistance <i>Whether the subject officers failed to provide medical assistance.</i>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN. CLOSED	1. ADMIN. CLOSED	1. ----N/A----	1. ----N/A----
2. ADMIN. CLOSED	2. ADMIN. CLOSED	2. ----N/A----	2. ----N/A----
3. ADMIN. CLOSED	3. ADMIN. CLOSED (The PAB initiated a policy review as a result of this complaint)	3. ----N/A----	3. ----N/A----

Case Number	DPA 25		
Allegations	<p>1. IMPROPER OR INADEQUATE INVESTIGATION <i>Whether the subject officer failed to adequately and impartially provide a written account of the incident.</i></p> <p>2. IMPROPER OR INADEQUATE INVESTIGATION <i>Whether the subject officer failed to issue a citation or make a lawful arrest.</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. EXONERATED	1. EXONERATED	1. ---N/A---	1. ---N/A---
2. EXONERATED	2. EXONERATED	2. ---N/A---	2. ---N/A---

Case Number	DPA 29		
Allegations	<p>1. DISCOURTESY -- Failure to Provide Information <i>Whether the subject officers failed to adequately articulate the reason for the arrest.</i></p> <p>2. DISCRIMINATION -- Race or Ethnicity <i>Whether the subject officers' actions resulted from racial or ethnic bias against the complainant.</i></p> <p>3. IMPROPER DETENTION <i>Whether the subject officers improperly detained the complainant.</i></p> <p>4. IMPROPER ARREST <i>Whether the subject officers improperly arrested the complainant.</i></p> <p>5. IMPROPER INVESTIGATION -- False or Improper Police Report <i>Whether the reports prepared by the subject officers were false or improper.</i></p> <p>6. IMPROPER POLICE PROCEDURES -- Improper Confiscation of Property <i>Whether the subject officers improperly confiscated the complainant's property.</i></p> <p>7. IMPROPER SEARCH -- Improper Vehicle Search <i>Whether the subject officers improperly searched the complainant's vehicle.</i></p> <p>8. IMPROPER USE OF FORCE -- Improper Physical Contact <i>Whether the subject officers improperly used physical force against the complainant.</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. UNFOUNDED	1. UNFOUNDED	1. UNFOUNDED	1. ---N/A---

2. NOT SUSTAINED	2. NOT SUSTAINED	2. UNFOUNDED	2. ---N/A---
3. SUSTAINED	3. NOT SUSTAINED	3. EXONERATED	3. ---N/A---
4. SUSTAINED	4. NOT SUSTAINED	4. EXONERATED	4. ---N/A---
5. UNFOUNDED	5. UNFOUNDED	5. EXONERATED	5. ---N/A---
6. SUSTAINED	6. SUSTAINED	6. EXONERATED	6. ---N/A---
7. SUSTAINED	7. UNFOUNDED	7. EXONERATED	7. ---N/A---
8. SUSTAINED	8. UNFOUNDED	8. UNFOUNDED	8. ---N/A---

Case Number	DPA 26		
Allegations	<p>1. INADEQUATE INVESTIGATION --Failure to Investigate or Make a Police Report <i>Whether the officers failed to adequately investigate the complainant's claims</i></p> <p>2. IMPROPER DETENTION <i>Whether the officers improperly attempted to force the complainant to obtain a medical evaluation</i></p> <p>3. IMPROPER DETENTION <i>Whether the officers improperly confiscated the complainant's property</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. NOT SUSTAINED	1. NOT SUSTAINED	1. ---N/A---	1. ---N/A---
2. NOT SUSTAINED	2. NOT SUSTAINED	2. ---N/A---	2. ---N/A---
3. NOT SUSTAINED	3. NOT SUSTAINED	3. ---N/A---	3. ---N/A---

Case Number	DPA 27		
Allegations	<p>1. DISCOURTESY --Abusive or obscene language <i>Whether the officer used abusive or obscene language</i></p> <p>2. DISCOURTESY --Failure to provide information <i>Whether the officer failed to provide information</i></p> <p>3. DISCOURTESY --Failure to respond</p>		

Whether the subject officer failed to respond.

4. DISCRIMINATION

--Race/Ethnicity

Whether the subject officer discriminated against the complainant.

5. HARASSMENT

Whether the subject officer harassed the complainant.

6. IMPROPER DETENTION

Whether the complainant was improperly detained by the subject officer.

7. IMPROPER CITATION

Whether the subject officer improperly cited the complainant.

8. IMPROPER ARREST

Whether the subject officer improperly arrested the complainant.

9. IMPROPER OR INADEQUATE INVESTIGATION

--Failure to investigate or make police report

Whether the subject officer failed to investigate or make a police report.

10. IMPROPER OR INADEQUATE INVESTIGATION

--False or improper police report

Whether the subject officer filed a false or improper police report

9. IMPROPER POLICE PROCEDURES

--Failure to provide medical assistance

Whether the subject officer failed to provide medical assistance.

10. IMPROPER SEARCH

--Person

Whether the subject officer improperly searched the complainant.

11. IMPROPER USE OF FORCE

-- Improper physical contact

Whether the subject officer made improper physical contact with the complainant.

12. IMPROPER USE OF FORCE

--Improper display of firearm

Whether the subject officer improperly displayed a firearm

13. IMPROPER USE OF BATON, FIREARM, HANDCUFFS, MACE, PEPPER SPRAY, ETC.

Whether the subject officer improperly used a baton, firearm, handcuffs, mace, pepper spray, etc.

DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN CLOSED	1. ADMIN CLOSED	1. ---N/A---	1. ---N/A---
2. ADMIN CLOSED	2. ADMIN CLOSED	2. ---N/A---	2. ---N/A---
3. ADMIN CLOSED	3. ADMIN CLOSED	3. ---N/A---	3. ---N/A---
4. ADMIN CLOSED	4. ADMIN CLOSED	4. ---N/A---	4. ---N/A---
5. ADMIN CLOSED	5. ADMIN CLOSED	5. ---N/A---	5. ---N/A---
6. ADMIN CLOSED	6. ADMIN CLOSED	6. ---N/A---	6. ---N/A---
7. ADMIN CLOSED	7. ADMIN CLOSED	7. ---N/A---	7. ---N/A---
8. ADMIN CLOSED	8. ADMIN CLOSED	8. ---N/A---	8. ---N/A---
9. ADMIN CLOSED	9. ADMIN CLOSED	9. ---N/A---	9. ---N/A---
10. ADMIN CLOSED	10. ADMIN CLOSED	10. ---N/A---	10. ---N/A---
11. ADMIN CLOSED	11. ADMIN CLOSED	11. ---N/A---	11. ---N/A---
12. ADMIN CLOSED	12. ADMIN CLOSED	12. ---N/A---	12. ---N/A---
13. ADMIN CLOSED	13. ADMIN CLOSED	13. ---N/A---	13. ---N/A---
14. ADMIN CLOSED	14. ADMIN CLOSED	14. ---N/A---	14. ---N/A---
15. ADMIN CLOSED	15. ADMIN CLOSED	15. ---N/A---	15. ---N/A---

Case Number	DPA 28
Allegations	<p>1. DISCOURTESY --Abusive or obscene language <i>Whether the officer used abusive or obscene language</i></p> <p>2. DISCOURTESY --Failure to provide information <i>Whether the officer failed to provide information</i></p> <p>3. DISCOURTESY --Failure to respond <i>Whether the subject officer failed to respond.</i></p> <p>4. DISCRIMINATION --Race/Ethnicity <i>Whether the subject officer discriminated against the complainant.</i></p> <p>5. HARASSMENT <i>Whether the subject officer harassed the complainant.</i></p> <p>6. IMPROPER DETENTION <i>Whether the complainant was improperly detained by the subject officer.</i></p> <p>7. IMPROPER CITATION <i>Whether the subject officer improperly cited the complainant.</i></p> <p>8. IMPROPER ARREST <i>Whether the subject officer improperly arrested the complainant.</i></p> <p>9. IMPROPER OR INADEQUATE INVESTIGATION --Failure to investigate or make police report <i>Whether the subject officer failed to investigate or make a police report.</i></p> <p>10. IMPROPER OR INADEQUATE INVESTIGATION --False or improper police report <i>Whether the subject officer filed a false or improper police report</i></p> <p>9. IMPROPER POLICE PROCEDURES --Failure to provide medical assistance <i>Whether the subject officer failed to provide medical assistance.</i></p> <p>10. IMPROPER SEARCH --Person <i>Whether the subject officer improperly searched the complainant.</i></p> <p>11. IMPROPER USE OF FORCE -- Improper physical contact</p>

	<p><i>Whether the subject officer made improper physical contact with the complainant.</i></p> <p>12. IMPROPER USE OF FORCE --Improper display of firearm <i>Whether the subject officer improperly displayed a firearm</i></p> <p>13. IMPROPER USE OF BATON, FIREARM, HANDCUFFS, MACE, PEPPER SPRAY, ETC. <i>Whether the subject officer improperly used a baton, firearm, handcuffs, mace, pepper spray, etc.</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN CLOSED	1. ADMIN CLOSED	1. ---N/A---	1. ---N/A---
2. ADMIN CLOSED	2. ADMIN CLOSED	2. ---N/A---	2. ---N/A---
3. ADMIN CLOSED	3. ADMIN CLOSED	3. ---N/A---	3. ---N/A---
4. ADMIN CLOSED	4. ADMIN CLOSED	4. ---N/A---	4. ---N/A---
5. ADMIN CLOSED	5. ADMIN CLOSED	5. ---N/A---	5. ---N/A---
6. ADMIN CLOSED	6. ADMIN CLOSED	6. ---N/A---	6. ---N/A---
7. ADMIN CLOSED	7. ADMIN CLOSED	7. ---N/A---	7. ---N/A---
8. ADMIN CLOSED	8. ADMIN CLOSED	8. ---N/A---	8. ---N/A---
9. ADMIN CLOSED	9. ADMIN CLOSED	9. ---N/A---	9. ---N/A---
10. ADMIN CLOSED	10. ADMIN CLOSED	10. ---N/A---	10. ---N/A---
11. ADMIN CLOSED	11. ADMIN CLOSED	11. ---N/A---	11. ---N/A---
12. ADMIN CLOSED	12. ADMIN CLOSED	12. ---N/A---	12. ---N/A---
	13. ADMIN CLOSED	13. ---N/A---	13. ---N/A---
	14. ADMIN CLOSED	14. ---N/A---	14. ---N/A---
	15. ADMIN CLOSED	15. ---N/A---	15. ---N/A---

13. ADMIN CLOSED			
14. ADMIN CLOSED			
15. ADMIN CLOSED			

Case Number	DPA 30		
Allegations	<p>1. DISCOURTESY --Failure to respond. <i>Whether the subject officer failed to respond.</i></p> <p>2. DISCRIMINATION --Race/ethnicity <i>Whether the subject officer discriminated against the complainant.</i></p> <p>3. IMPROPER OR INADEQUATE INVESTIGATION --False or improper police report <i>Whether the subject officer wrote a false or improper police report.</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN CLOSED	1. ADMIN CLOSED	1. ---N/A---	1. ---N/A---
2. ADMIN CLOSED	2. ADMIN CLOSED	2. ---N/A---	2. ---N/A---
3. ADMIN CLOSED	3. ADMIN CLOSED	3. ---N/A---	3. ---N/A---

Case Number	2023-CI-0001
Allegations	<p>1. DISCOURTESY -- Failure to respond <i>Whether the subject officer exhibited discourtesy toward the complainant by not responding to her request for service in person and on the day the request was made.</i></p> <p>2. DISCRIMINATION -- Prejudicial Treatment based on Gender <i>Whether the subject officer's actions resulted from gender bias.</i></p> <p>3. IMPROPER OR INADEQUATE INVESTIGATION -- Failure to investigate or make police report <i>Whether the subject officer failed to adequately investigate the complainant's allegations of assault.</i></p>

	4. IMPROPER POLICE PROCEDURES -- Failure to provide medical assistance <i>Whether the subject failed to provide medical assistance</i>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. UNFOUNDED	1. UNFOUNDED	1. UNFOUNDED	1. ---N/A---
2. UNFOUNDED	2. UNFOUNDED	2. UNFOUNDED	2. ---N/A---
3. UNFOUNDED	3. UNFOUNDED	3. NOT SUSTAINED	3. ---N/A---
4. EXONERATED	4. EXONERATED	4. UNFOUNDED	4. ---N/A---

Case Number	2023-CI-0002
Allegations	<p>1. DISCOURTESY -- Failure to Provide Information <i>Whether the subject officers deliberately mislead and/or used false pretenses to persuade the staff to allow them onto the premises to arrest an individual.</i></p> <p>2. DISCRIMINATION -- Race or Ethnicity <i>Whether the subject officers' actions resulted from racial or ethnic bias.</i></p> <p>3. IMPROPER DETENTION <i>Whether the subject officers improperly detained an individual.</i></p> <p>4(a). IMPROPER ARREST <i>Whether the subject officer improperly arrested an individual.</i></p> <p>4(b). IMPROPER ARREST <i>Whether the subject officer improperly arrested an individual.</i></p> <p>4(c). FAILURE TO INVESTIGATE Whether the subject officer failed to properly investigate the robbery allegations against an individual who was arrested.</p> <p>5. IMPROPER USE OF FORCE -- Improper Physical Contact <i>Whether the subject officers improperly used physical force.</i></p> <p>6. IMPROPER USE OF FORCE -- Unreasonable or Excessive Use of Force <i>Whether the subject officers used unreasonable or excessive force.</i></p> <p>7. IMPROPER POLICE PROCEDURES -- Failure to employ De-Escalation or Crisis Intervention Techniques</p>

	<p><i>Whether the subject officers failed to employ proper de-escalation or crisis intervention techniques in violation of BPD policies.</i></p> <p>8. IMPROPER POLICE PROCEDURES -- Failure to employ De-Escalation or Crisis Intervention Techniques <i>Whether the subject officers failed to employ the expertise of the staff to de-escalate the incident involving the individual who was arrested at the facility.</i></p> <p>9. IMPROPER POLICE PROCEDURES -- Failure to employ De-Escalation or Crisis Intervention Techniques <i>Whether the subject officers failed to understand mental illness and/or failed to follow BPD procedures during the incident involving the individual who was arrested.</i></p> <p>10. IMPROPER POLICE PROCEDURES -- Failure to employ De-Escalation or Crisis Intervention Techniques <i>Whether the subject officers failed to employ motivational interviewing or any other communication technique that could have defused the encounter with the individual who was arrested.</i></p> <p>11. DISCOURTESY -- Conduct (Discourteous/Disrespectful) <i>Whether the subject officer was disrespectful during his conversations with the facility staff.</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. EXONERATED	1. EXONERATED	1. UNFOUNDED	1. ---N/R---
2. UNFOUNDED	2. UNFOUNDED	2. UNFOUNDED	2. ---N/R---
3. UNFOUNDED	3. UNFOUNDED	3. UNFOUNDED	3. ---N/R---
4. EXONERATED	4. EXONERATED	4. UNFOUNDED	4. ---N/R---
5. SUSTAINED	5. EXONERATED	5. UNFOUNDED	5. ---N/R---
6. ---N/A---	6. SUSTAINED	6. UNFOUNDED	6. ---N/R---
7. EXONERATED	7. EXONERATED	7. UNFOUNDED	7. ---N/R---
8. EXONERATED	8. EXONERATED	8. UNFOUNDED	8. ---N/R---
9. EXONERATED	9. EXONERATED	9. UNFOUNDED	9. ---N/R---
10. EXONERATED	10. EXONERATED	10. UNFOUNDED	10. ---N/R---
11. EXONERATED	11. EXONERATED	11. UNFOUNDED	11. ---N/R---
12. EXONERATED	12. EXONERATED	12. UNFOUNDED	12. ---N/R---

13. EXONERATED	13. EXONERATED	13. UNFOUNDED	13. ----N/R----
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Case Number	2023-CI-0003		
Allegations	<p>1. DISCOURTESY -- Failure to Provide Information <i>Whether the subject officers failed to respond to the complainant's inquiries for information.</i></p> <p>2. IMPROPER OR INADEQUATE INVESTIGATION -- Failure to Investigate or Make Police Report <i>Whether the subject officers failed to properly or adequately investigate the altercation between the complainant and other individuals.</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN. CLOSED	1. ADMIN. CLOSED	1. UNFOUNDED	1. UNFOUNDED
2. ADMIN. CLOSED	2. ADMIN. CLOSED	2. UNFOUNDED	2. UNFOUNDED

Case Number	2023-CI-0004		
Allegations	<p>1. DISCOURTESY -- Rudeness or Intimidating Attitude <i>Whether the subject officers exhibited rudeness or intimidating attitudes or behavior toward the complainant.</i></p> <p>2. DISCOURTESY -- Failure to Respond <i>Whether the subject officers failed to respond to complainant's call for service.</i></p> <p>3. DISCOURTESY -- Failure to Provide Information <i>Whether the subject officers failed to promptly and efficiently respond to complainant's request for information.</i></p> <p>4. IMPROPER OR INADEQUATE INVESTIGATION -- Failure to Investigate <i>Whether the subject officers failed to adequately investigate the complaint.</i></p> <p>5. IMPROPER OR INADEQUATE INVESTIGATION -- False or Improper Police Report <i>Whether the subject officers failed to write or record an accurate report of the incident.</i></p> <p>6. IMPROPER POLICE PROCEDURES -- Failure to Identify Oneself</p>		

<i>Whether the subject officers failed to properly identify themselves.</i>			
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN. CLOSED	1. ADMIN. CLOSED	1. ---N/A---	1. ---N/A---
2. ADMIN. CLOSED	2. ADMIN. CLOSED	2. ---N/A---	2. ---N/A---
3. ADMIN. CLOSED	3. ADMIN. CLOSED	3. ---N/A---	3. ---N/A---
4. ADMIN. CLOSED	4. ADMIN. CLOSED	4. ---N/A---	4. ---N/A---
5. ADMIN. CLOSED	5. ADMIN. CLOSED	5. ---N/A---	5. ---N/A---
6. ADMIN. CLOSED	6. ADMIN. CLOSED	6. ---N/A---	6. ---N/A---

Case Number	2023-CI-0005		
Allegations	<p>1. IMPROPER OR INADEQUATE INVESTIGATION -- Failure to Investigate <i>Whether the subject officer failed to adequately investigate the complaint.</i></p> <p>2. IMPROPER OR INADEQUATE INVESTIGATION -- Failure to Investigate <i>Whether the subject officer failed to obtain the complainant's victim statement.</i></p> <p>3. IMPROPER OR INADEQUATE INVESTIGATION -- False or Improper Police Report <i>Whether the subject officer failed to accurately record or report the facts in the CAD narrative.</i></p> <p>4. DISCOURTESY -- Failure to Provide Information <i>Whether the subject officer failed to provide the complainant with the properly requested copy of the Incident Report.</i></p> <p>5. DISCOURTESY -- Failure to Respond <i>Whether the subject officer failed to respond to the complainant's calls for service.</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN. CLOSED	1. ADMIN. CLOSED	1. ---N/A---	1. ---N/A---

2. ADMIN. CLOSED	2. ADMIN. CLOSED	2. ---N/A---	2. ---N/A---
3. ADMIN. CLOSED	3. ADMIN. CLOSED	3. ---N/A---	3. ---N/A---
4. ADMIN. CLOSED	4. ADMIN. CLOSED	4. ---N/A---	4. ---N/A---
5. ADMIN. CLOSED	5. ADMIN. CLOSED	5. ---N/A---	5. ---N/A---

Case Number	2023-CI-0006		
Allegations	<p>1. IMPROPER DETENTION <i>Whether the subject officers improperly detained the complainant.</i></p> <p>2. IMPROPER ARREST <i>Whether the subject officers improperly arrested the complainant.</i></p> <p>3. IMPROPER OR INADEQUATE INVESTIGATION -- Failure to adequately investigate. <i>Whether the subject officers failed to properly investigate.</i></p> <p>4. DISCOURTESY -- Rudeness or Inappropriate Attitude or Behavior <i>Whether the subject officers exhibited rudeness or inappropriate attitudes or behavior toward the complainant.</i></p> <p>5. IMPROPER DETENTION <i>Whether the subject officers improperly kept the complainant in custody for an unnecessary period of time.</i></p> <p>6. IMPROPER POLICE PROCEDURES <i>Whether the subject officers failed to properly communicate information regarding the complainant's arrest and custody status.</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN. CLOSED	1. ADMIN. CLOSED	1. ---N/A---	1. ---N/A---
2. ADMIN. CLOSED	2. ADMIN. CLOSED	2. ---N/A---	2. ---N/A---
3. ADMIN. CLOSED	3. ADMIN. CLOSED	3. ---N/A---	3. ---N/A---
4. ADMIN. CLOSED	4. ADMIN. CLOSED	4. ---N/A---	4. ---N/A---
5. ADMIN. CLOSED	5. ADMIN. CLOSED	5. ---N/A---	5. ---N/A---

4. ADMIN. CLOSED	6. ADMIN. CLOSED	6. ----N/A----	6. ----N/A----
5. ADMIN. CLOSED			
6. ADMIN. CLOSED			

Case Number	2023-CI-0007
Allegations	<p>1. DISCRIMINATION -- Race or Ethnicity <i>Whether the subject officer's actions resulted from racial or ethnic bias against the complainant.</i></p> <p>2. IMPROPER OR INADEQUATE INVESTIGATION --Failure to Investigate <i>Whether the subject officer failed to adequately investigate before forcing the complainant to leave the premises.</i></p> <p>3. IMPROPER USE OF FORCE -- Improper Physical Contact <i>Whether the subject officer improperly used physical force against the complainant.</i></p> <p>4. IMPROPER POLICE PROCEDURES -- Failure to identify oneself <i>Whether the subject officer failed to properly identify himself.</i></p> <p>5. DISCOURTESY --Rudeness or Intimidating Attitude <i>Whether the subject officer exhibited a dismissive or intimidating attitude or behavior towards the complainant.</i></p> <p>6. HARASSMENT <i>Whether the subject officer harassed the complainant.</i></p>

DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. UNFOUNDED	1. SUSTAINED	1. UNFOUNDED	1. ----N/R----
2. UNFOUNDED	2. UNFOUNDED	2. UNFOUNDED	2. ----N/R----
3. UNFOUNDED	3. UNFOUNDED	3. UNFOUNDED	3. ----N/R----
4. UNFOUNDED	4. UNFOUNDED	4. UNFOUNDED	4. ----N/R----
5. UNFOUNDED	5. UNFOUNDED	5. UNFOUNDED	5. ----N/R----

6. UNFOUNDED	6. UNFOUNDED	6. UNFOUNDED	6. ---N/R---
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Case Number	2023-CI-0010		
Allegations	<p>1. IMPROPER DETENTION <i>Whether the subject officer improperly detained the complainant.</i></p> <p>2. DISCOURTESY <i>Whether the subject officer spoke and acted in a discourteous manner.</i></p> <p>3. IMPROPER CITATION <i>Whether the subject officer improperly issued a traffic citation to the complainant.</i></p> <p>4. DISHONESTY <i>Whether the subject officer falsified information on a traffic citation.</i></p> <p>5. THREAT TO ARREST <i>Whether the subject officer improperly threatened to arrest the complainant.</i></p> <p>6. HARASSMENT <i>Whether the subject officer harassed the complainant.</i></p> <p>7. UNSAFE DRIVING <i>Whether the subject officer drove in an unsafe manner.</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. EXONERATED	1. EXONERATED	1. UNFOUNDED	1. -PENDING
2. SUSTAINED	2. SUSTAINED	2. UNFOUNDED	2. -PENDING-
3. EXONERATED	3. EXONERATED	3. UNFOUNDED	3. -PENDING-
4. UNFOUNDED	4. UNFOUNDED	4. UNFOUNDED	4. -PENDING-
5. EXONERATED	5. EXONERATED	5. UNFOUNDED	5. -PENDING-
6. SUSTAINED	6. SUSTAINED	6. UNFOUNDED	6. -PENDING-
7. UNFOUNDED	7. UNFOUNDED	7. UNFOUNDED	7. -PENDING-

Case Number	2023-CI-0011
Allegations	<p>1. IMPROPER DETENTION <i>Whether the subject officers improperly detained the complainant on a 5150</i></p>

	<i>W&I Hold.</i> 2. HARASSMENT <i>Whether the subject officers harassed the complainant.</i> 3. IMPROPER POLICE PROCEDURES <i>Whether the subject officers improperly applied for and served the complainant with a restraining order.</i>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. EXONERATED	1. EXONERATED	1. ADMIN. CLOSED	1. ---N/A---
2. UNFOUNDED	2. UNFOUNDED	2. ADMIN. CLOSED	2. ---N/A---
3. EXONERATED	3. EXONERATED	3. ADMIN. CLOSED	3. ---N/A---

Case Number	2023-CI-0015		
Allegations	1. IMPROPER POLICE PROCEDURES -- Failure to take police action²⁵ <i>Whether the subject officers failed to remove trespassers or to cite or arrest trespassers in violation of BPD policies.</i>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN. CLOSED	1. ADMIN. CLOSED	1. ---N/A---	1. ---N/A---

²⁵ On the ODPa Complaint Form, in Box 6, "Allegations," the complainant checked the box labeled "Improper or Inadequate Investigation: Failure to investigate or make police report." However, in the narrative section of the complaint form, the complainant wrote "we have repeatedly requested BPD to remove trespassers from our property and the BPD has refused or been unable to do the citations and arrests. Signs are posted, the no-trespassing is on file with BPD. Nevertheless BPD officers will not cite and arrest trespassers." ODPa has categorized the allegation as "Improper Police Procedures: Failure to take police action" because that more closely matches the actions the complainant described.

APPENDIX 2: BPD IA STATISTICS 2021-2023

2021 INTERNAL AFFAIRS STATISTICS

	Complaints Received	Sustained	Not Sustained	Exonerated	Unfounded	Admin Closed
*External PRC	10	2	5	1	6	10
*External IAB	24					
**Internal	20	15	0	0	0	5
Total	44	17	5	1	6	15
Allegations						
Improper Use of Force	4	1	0	0	1	2
Discourtesy	17	6	2	1	6	2
Improper Stop/ Search/ Seizure/ Arrest	11	0	4	2	5	0
Inadequate Investigation	10	1	4	0	4	1
Improper Detention (Jail)	0	0	0	0	0	0
Discrimination	6	0	0	0	4	2
Harassment	1	1	0	0	0	0
Improper Procedure	50	34	12	0	3	1
Improper Citation / Tow	2	0	1	1	0	0
Other	1	0	0	0	0	1
Total Allegations	102	43	23	4	23	9

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

*PRC/DPA Complaints are counted in External IAB Complaints.

**Internal complaints include at-fault vehicle collisions.

2022 INTERNAL AFFAIRS BUREAU STATISTICS

Complaints							
	Complaints Received	Sustained	Not Sustained	Exonerated	Unfounded	Admin Closed	Active Complaints
*External PAB	12	0	0	1	3	7	5
*External IAB	16						
**Internal	8	4	0	1	0	3	0
Total	24	4	0	2	3	10	5
Allegations							
	Complaints Received	Sustained	Not Sustained	Exonerated	Unfounded	Admin Closed	Active Complaints
Improper Use of Force	19	0	0	1	4	3	11
Discourtesy	22	0	0	0	8	1	13
Improper Stop/Search/Seizure/Arrest	33	0	0	1	0	0	32
Inadequate Investigation	21	0	4	1	4	1	11
Improper Detention (Jail)	0	0	0	0	0	0	0
Discrimination	12	0	0	0	2	0	10
Harassment	2	0	0	0	0	0	2
Improper Procedure	27	9	4	0	2	2	10
Improper Citation / Tow	2	0	0	0	0	0	2
Other	3	0	1	0	0	0	2
Dishonesty	1	0	0	0	0	1	0
Total Allegations	142	9	9	3	20	8	93

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

*PAB Complaints are counted in External IAB Complaints.

**Internal complaints include at-fault vehicle collisions.

2023 INTERNAL AFFAIRS BUREAU STATISTICS

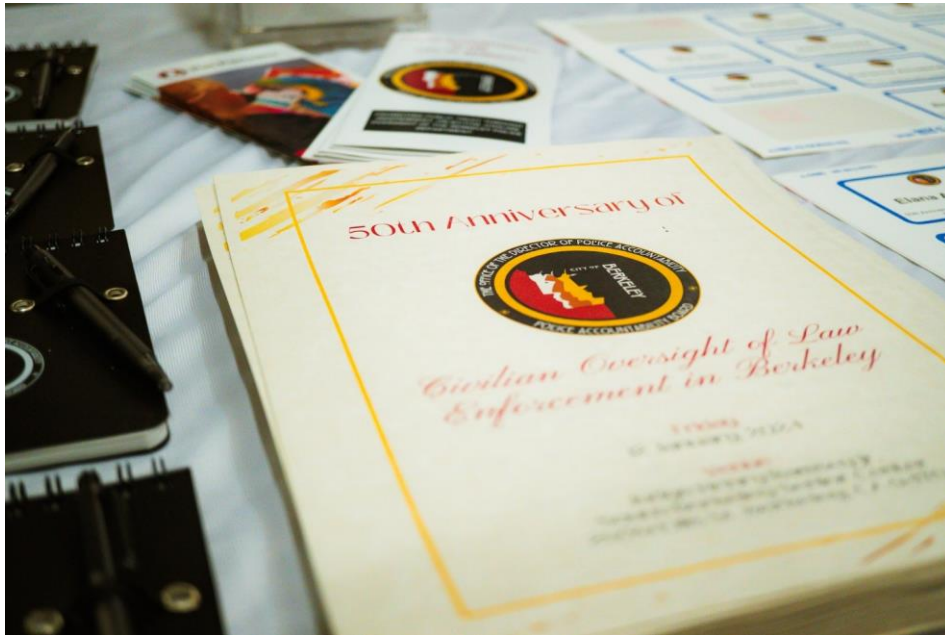
Complaints							
	Complaints Received	Sustained	Not Sustained	Exonerated	Unfounded	Admin Closed	Active Complaints
External PAB	20						
*External IAB	29						
*Total External	29	0	1	0	6	10	12
**Total Internal	7	4	0	0	0	0	3
Total Complaints	36	4	1	0	6	10	15
Allegations							
	Received	Sustained	Not Sustained	Exonerated	Unfounded	Admin Closed	Active
Improper Use of Force	25	0	0	0	8	5	12
Discourtesy	45	0	1	0	16	9	19
Improper Stop/Search/Seizure/Arrest	26	0	0	0	5	3	18
Inadequate Investigation	49	1	1	0	10	6	31
Improper Detention (Jail)	0	0	0	0	0	0	0
Discrimination	31	0	0	0	7	4	20
Harassment	14	0	0	0	1	5	8
Improper Procedure	39	3	0	0	6	4	26
Improper Citation / Tow	2	0	0	0	0	1	1
Other	5	0	0	0	0	5	0
Dishonesty	2	0	1	0	0	0	1
Total Allegations	238	4	3	0	53	42	136

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

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

**Internal complaints include at-fault vehicle collisions.

APPENDIX 3: 50th Anniversary of Civilian Oversight of Law Enforcement in Berkeley



To access the photographs and video of the event commemorating the "50th Anniversary of Civilian Oversight of Law Enforcement in Berkeley," please visit the following links:

Link to Photo Album: [50th Anniversary of Civilian Oversight of Law Enforcement in Berkeley \(adobe.com\)](https://adobe.com)

Link to Event Video: [City of Berkeley, CA Police Accountability Board - YouTube](https://www.youtube.com/watch?v=...)

¹ Berkeley Charter Section 125(16)(b) mandates that the Director of Police Accountability (DPA) prepare an annual report for public dissemination. During the October 25, 2023 Regular Meeting of the PAB, the ODPB presented a biennial report covering 2021-2022 to the Board. This marked the inaugural

completion of the report under the new oversight structure, hence the inclusion of a two-year period. One of the key reasons for the delay in the report's finalization was the fact that both the Board and the Office experienced several vacancies throughout the period of production. Despite these challenges, the Board and the Office worked diligently on oversight matters in the City, which required addressing numerous critical issues. Due to the timing of the ODPA's presentation of biennial report to the PAB, the Board expressed the desire to incorporate additional information from the calendar year 2023. Additionally, the Board provided the ODPA with suggestions for improvement which included: incorporating more in-depth analyses and recommendations, clarifying specific sections, and offering a concise executive summary. To that end, the Board opted to delay approval until the first quarter of 2024. Subsequently, a report covering the initial three-year period of the Board's existence (2021-2023) is presented to Council with this report.