



PROCLAMATION CALLING A SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

**Tuesday, May 14, 2024
4:30 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - THE INTERCONTINENTAL - THE WHARF DC
801 WHARF STREET SW, WASHINGTON, DC 20024

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – VACANT

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

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*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this [URL: https://cityofberkeley-info.zoomgov.com/j/1617988895](https://cityofberkeley-info.zoomgov.com/j/1617988895). To request to speak, use the “raise hand” icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter Meeting ID: **161 798 8895**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.*

To submit a written communication for the City Council’s consideration and inclusion in the public record, email council@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

Preliminary Matters

Roll Call:

Action Calendar

Public comment is limited to items on this agenda only. The public may comment on each item listed on the agenda as the item is taken up.

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

- 1. Presentation of PAB-ODPA Triennial Report [2021-2023]
From: Police Accountability Board, Office of the Director of Police
Accountability
Contact: Hansel Aguilar, Police Accountability Board, (510) 981-4950**

Adjournment

I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Berkeley to be affixed on May 9, 2024.



Jesse Arreguin, Mayor

Public Notice – this Proclamation serves as the official agenda for this meeting.

ATTEST:



Date: May 9, 2024

Mark Numainville, City Clerk

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Zoning Adjustments Board decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Please refrain from wearing scented products to this meeting.



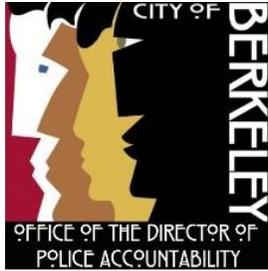
Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).

Item #1: Annual Report: Police Accountability Board and Office of the Director of Police Accountability

1. Office of the Director of Police Accountability



PRESENTED TO THE COUNCIL ON:
SPECIAL MEETING - MAY 14, 2024

To: Honorable Mayor and Members of the City Council

From: John "Chip" Moore, Chair of Police Accountability Board
Hansel A. Aguilar, Director of Police Accountability

Submitted by: Hansel A. Aguilar, Director of Police Accountability

Subject: Presentation of PAB-ODPA Triennial Report [2021-2023]

INTRODUCTION

This triennial report presented by the Police Accountability Board (PAB) and the Office of the Director of Police Accountability (ODPA) encapsulates our efforts, achievements, and challenges throughout the period of July 2021- December 2023. Our mission to uphold transparency, ensure justice, and foster trust between the police department and our community is steadfast. This report details our activities, highlights of our investigations, and our collaborative efforts with other city departments and community stakeholders.

CURRENT SITUATION AND ITS EFFECTS

MISSION

The ODPA is committed to ensuring effective and impartial oversight of the police department, fostering a culture of accountability and transparency that protects and serves the principles of justice and equity within our community.

YEAR IN REVIEW: KEY ACTIVITIES AND HIGHLIGHTS

Case Investigations (Page 14 of Report): A total of 52 new complaints were received during the period of review (July 2021- December 2023). Of those cases, 30 cases were

completed. The types of cases ranged from misuse of force to procedural misconduct, each handled with meticulous attention to detail and due process.

Community Engagement (Page 7 of Report): Throughout the year, PAB and the ODPA engaged in various community outreach programs aimed at educating the public about their rights and the resources available through our office. This includes hosting workshops, attending community meetings, and developing informative online content.

Training and Development (Page 5 of Report): PAB members and staff members participated in multiple training sessions focusing on best practices in civilian oversight, legal updates, and investigative techniques to ensure a high standard of accountability and competency in handling complaints against police conduct.

COLLABORATION WITH STAKEHOLDERS (Page 7 of Report)

Our partnership with the various internal and external stakeholders has been instrumental in refining police practices and policies.

CHALLENGES AND OPPORTUNITIES (Page 33 of Report)

Resource Limitations: One of the major challenges faced by the PAB and ODPA has been the limited resources which impact our ability to handle complex cases more efficiently. There is a need for additional staff and technological upgrades to improve our case management system.

Strengthening Trust: Despite our efforts, building trust within certain segments of the community remains a challenge. In 2024, we aim to implement more targeted community engagement strategies to address and mitigate these concerns.

LOOKING FORWARD (Page 36 of Report)

For 2024, the ODPA is focused on several key initiatives:

Enhancing Data Transparency (Page 16 of Report): We plan to launch a new online dashboard that will allow the public to access detailed reports and statistics regarding police interactions and ODPA's activities.

Policy Review and Recommendations (Page 20 of Report): Continued collaboration with law enforcement agencies to review and suggest necessary amendments to policing policies, ensuring they align with best practices and community expectations.

CONCLUSION

In conclusion, the PAB and ODPa remain dedicated to its mission of fostering an environment of trust and accountability. We thank the City Council, our community partners, and the residents of our city for their continued support and cooperation. We look forward to building on our successes and addressing the challenges ahead with renewed vigor and commitment.

FISCAL IMPLICATIONS

Specific fiscal implications related to items referred to within this report are addressed in the biennial budget process. Additional information of costs can be provided as needed.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

CONTACT PERSON

Hansel Aguilar, Director of Police Accountability, (510) 981 - 4960

Jose Murillo, Policy Analyst, ODPa (510) 981 - 4966

ATTACHMENT

1. 2021-2023 Office of the Director of Police Accountability Triennial Report

cc: Police Accountability Board
Dee Williams-Ridley, City Manager
Farimah Brown, City Attorney
LaTanya Bellow, Deputy City Manager
Anne Cardwell, Deputy City Manager
Jennifer Louis, Chief of Police
Mark Numainville, City Clerk

Attachment 1

2021-2023 Office of the Director of Police Accountability Triennial Report

2021 - 2023

TRIENNIAL REPORT



Prepared by

THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY

Approved by the Police Accountability Board on April 17, 2024



www.berkeleyca.gov



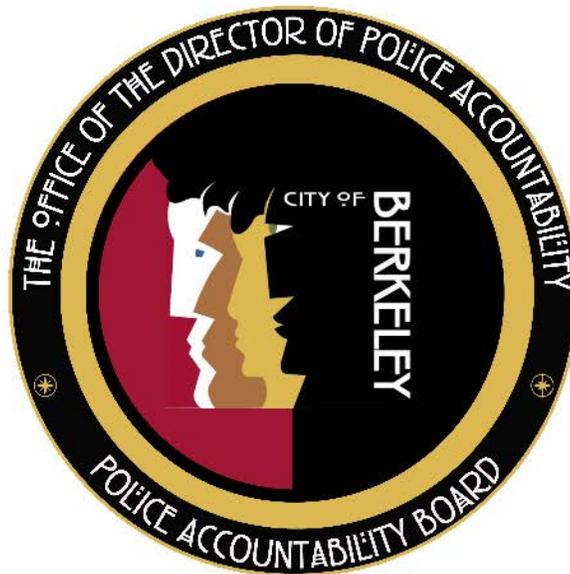
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2020 Milvia Street, Ste. 250



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
Cecilia Lunaparra, District 7
Mark Humbert, District 8

City Manager

Bedwendolyn Deshawn
Williams-Ridley

Berkeley Police Department

Jennifer Louis, Chief of Police

City Attorney

Farimah Brown

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
Lucky, Therapy Animal

Table of Contents

MESSAGE FROM THE CHAIR OF THE POLICE ACCOUNTABILITY BOARD	1
MESSAGE FROM THE DIRECTOR OF POLICE ACCOUNTABILITY	2
EXECUTIVE SUMMARY.....	3
Key Observations	4
BACKGROUND AND OVERVIEW	5
OVERVIEW OF THE POLICE ACCOUNTABILITY BOARD AND THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY	5
BOARD ACTIVITIES.....	6
Public Engagement	7
PERSONNEL AND POLICY COMPLAINTS.....	11
Investigative Processes and Procedures	11
Filing a complaint	11
Investigative procedures.....	12
Hearing procedures.....	13
Summary of number, type, and disposition of complaints filed with the board.....	14
Summary of number, type, and disposition of complaints filed with the police department by members of the public	17
Complaint dispositions	18
Policies, Practices, and Procedures	20
Self-initiated policy work.....	20
Policy subcommittees.....	20
Impact of the PAB's advisory role	21
BERKELEY POLICE DEPARTMENT ACTIVITY.....	22
BPD Stop Data Analysis	22
Demographics of the Individuals Being Stopped.....	24
Reason for the Stop.....	26
Disposition of Stops.....	27
Location of Stops	29
Trends and Patterns Regarding Use of Force	30
Officer-Involved Shootings.....	32
OBSTACLES, SETBACKS, AND BARRIERS TO CIVILIAN OVERSIGHT IN BERKELEY	33
CONCLUSION AND RECOMMENDATIONS	36
GUIDING DOCUMENTS AND AUTHORITY	38
APPENDICES.....	39
APPENDIX 1. MEET THE POLICE ACCOUNTABILITY BOARD	39

APPENDIX 2. MEET THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY..... 40

APPENDIX 3. COMPLAINTS SUMMARY TABLE FOR 2021–2022 41

APPENDIX 4: ODPA STATISTICS 2021–2023 66

APPENDIX 5: BPD IA STATISTICS 2021–2023 69

MESSAGE FROM THE CHAIR OF THE POLICE ACCOUNTABILITY BOARD

To the City and Community of Berkeley,

The Berkeley Police Accountability Board (PAB) presents its 2021–2023 Triennial 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 2024 as they pertain to providing effective accountability and transparency to our community.

For the fledgling PAB, 2021 through 2023 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 members have been evolving in their roles. With staff support, our mandate with the police department, the police union, and the city government has taken shape.

The transition from the Police Review Commission (PRC) to the PAB is complete. From 2021 to the present, the PAB was provided independent support from the newly established Office of the Director of Police Accountability (ODPA). The new director, Hansel Aguilar, has employed expert support staff and secured additional funding. In November 21, 2022, the PAB completed and shared our proposed permanent regulations with the City Attorney's Office, Berkeley Police, and the Berkeley Police Association. These proposed regulations are now going through the meet-and-confer process before they are sent to the Berkeley City Council for final approval.

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 past year working 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 2024, PAB is seeking 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 ODPA fully staffed. In 2024, 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.

Best regards,



John "Chip" Moore
Chair of the Police Accountability Board

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 only the activities and developments within the Office of the Director of Police Accountability (ODPA) and the Police Accountability Board (PAB) but also our collective aspiration for a community-centric model of policing that champions the highest standards of integrity and fairness.

The journey of the past 2.5 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 PAB guidance 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 seen 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 only maintain but also 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 aware of the obstacles that lie ahead. This report candidly discusses areas in need of 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. This belief will guide our efforts as we strive toward a future where justice, dignity, and respect are the hallmarks of every police encounter.

In unity,



Hansel A. Aguilar

Director of Police Accountability

EXECUTIVE SUMMARY

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

The PAB, fortified by the dedicated efforts of the 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.

Aligned with the guidelines outlined in the city charter, this report thoroughly examines various aspects of police activities in Berkeley, ranging from personnel complaints to the analysis of use of force data. By doing so, it offers a comprehensive overview of law enforcement interactions within the community. In line with our dedication to addressing racial disparities and disproportionalities, the demographic data on stops, citations, arrests, and use of force serve as a foundation for our commitment. Additionally, innovative initiatives such as our partnership with Sivil Technologies Inc. and the introduction of an animal-assisted intervention program exemplify the Board's and ODPA's pioneering approach to police oversight methods.

In recognizing the diverse perspectives and outcomes presented by the PAB, the chief of police, and the city manager (CM) regarding complaint dispositions, the report underscores the imperative of a unified approach to bolster civilian oversight. It calls upon us all to collectively embrace these findings and recommendations, thereby ensuring the establishment of a fair, transparent, and accountable policing model that serves the needs of every Berkeley resident.

Key Observations

- Advisory impact in personnel complaints: Regarding personnel complaint investigations, no instances were found in which a PAB decision influenced either the chief's initial findings or the final decision made by the CM.
- Policies, practices, and procedures: The council, CM, and BPD demonstrated partial interest¹ in adopting recommendations sent by the PAB.
- Overstrain and understaffing: During its infancy, the PAB saw considerable turnover for various reasons. This impacted many of its operations and activities. Similarly, the ODPA staff has been attempting to fill vacancies throughout the period of review in the challenging context of the city's hiring and retention crisis.
- 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, including delayed access to information, services, records, and assistance from various city departments.
- Building infrastructure: The PAB and ODPA require appropriate resources to accomplish the ambitious goals as described in the city charter. To that end, the ODPA has been prioritizing procuring technological tools and resources to enhance office capabilities and interfacing with various stakeholders.
- Outreach and community involvement: Throughout the review period, the PAB and ODPA participated in certain engagement activities; however, they acknowledge the necessity for a more comprehensive and enduring outreach program.
- Although not novel, one of the key observations in reviewing BPD activities during the period in question is 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

¹ Key decisions made by the council during this period included the appointment of a permanent chief of police amid reports that the top candidate was under active investigation; the expansion of the city's surveillance program notwithstanding the objections and concerns expressed by the PAB; and the BPD delay in amending policies that would facilitate greater access for the community and the PAB, thereby enhancing oversight and transparency.

accountability mechanism. This mechanism exists to monitor and advise the department and the city as a whole on adapting and improving its policies, practices, and procedures to reduce and eliminate racial disparities and disproportionalities in policing.

Recommendations for the Council, CM, and People of Berkeley

1. Enhance collaborative efforts
2. Finalize regulations for handling complaints
3. Ensure full staffing
4. Clarify protocols
5. Amplify community voices
6. Monitor and assess
7. Support oversight infrastructure

BACKGROUND AND OVERVIEW

Mandated by [Berkeley Charter Section 125\(16\)\(b\)](#), this report analyzes PAB, ODPa and BPD operations from July 2021 to December 2023.² Contents include:

- complaint summaries;
- policy evaluations;
- disciplinary actions; and
- trends in law enforcement activities.

OVERVIEW OF THE POLICE ACCOUNTABILITY BOARD AND THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY

The PAB and ODPa collaborate to independently oversee the BPD. The PAB, comprising nine members chosen by the mayor and the city council, advises the city council, the CM, and the public on police department operations. Outlined in Berkeley City Charter Section 125(3)(a)(1), the PAB's powers include the following:

² The Board and the role of the Director were created with the passage of Measure II, amending the City Charter, in November 2020. We became operational in July 2021. The Police Accountability Board and Office of the Director of Police Accountability replace the former Police Review Commission, established in 1973. The new structure is a modernization and an expansion of tools for meaningful civilian oversight of the police in the 21st century.

- (1) To advise and make recommendations to the public, city council, and CM regarding the operation of the BPD, including all written policies, practices, and procedures in relation to the BPD;
- (2) Review and recommend 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 BPD and all other local, state, and federal law enforcement, intelligence, and military agencies or private security organizations;
- (3) To receive and consider the findings and recommendations of the Director of Police Accountability regarding complaints filed by members of the public against sworn employees of the police department and to recommend if discipline is warranted when misconduct is found and, pursuant to Section 18, the level of discipline for sustained findings of misconduct;
- (4) To participate in the hiring of the chief of police as set forth in Section 22;
- (5) To access records of city departments, compel attendance of sworn employees of the police department, and exercise the power of subpoena as necessary to carry out its functions;
- (6) To adopt rules and regulations necessary for the conduct of its business; and
- (7) Any other powers and duties as the city council may assign it by ordinance.

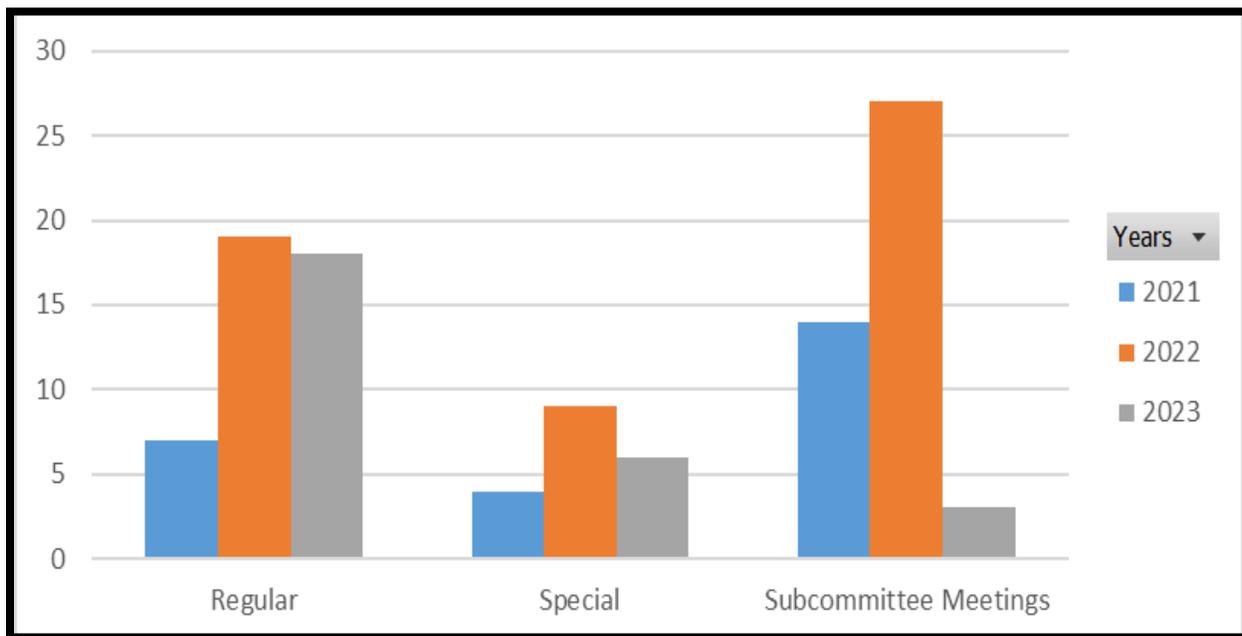
The ODPa supports the PAB's functions as outlined in the City Charter Section 125(14).

BOARD ACTIVITIES

Per [Berkeley Charter Section 125\(13\)\(a\)](#), the board must schedule at least eighteen (18) regular meetings each calendar year. In addition to these regular meetings, the board has engaged in various subcommittee meetings and special meetings called to address time-sensitive matters. In its 30 months of operation, the PAB has held 107 meetings for a total of 263 working hours.³ See Figure 1 for an overview.

³ The PAB has been in operation since July of 2021. The working hours noted do 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.

Figure 1
Number of PAB Meetings



Public Engagement

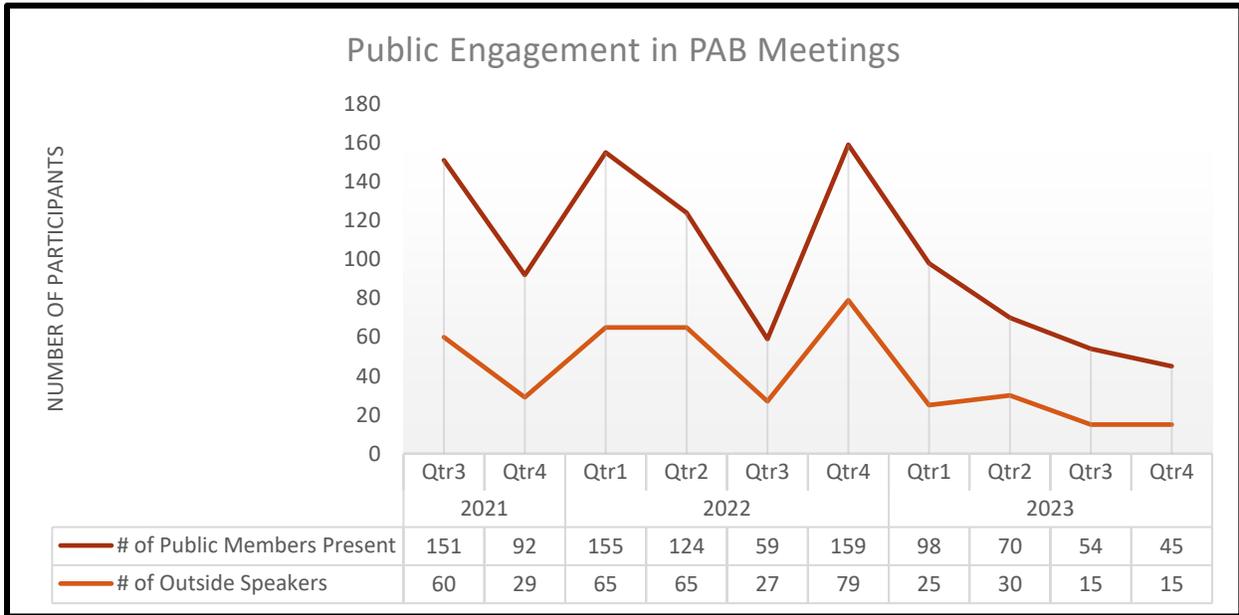
[Berkeley Charter Section 125\(1\)](#) outlines a key goal of the PAB: to involve the community in shaping and reviewing police department policies. To achieve this, the ODPa has worked on improving community engagement, particularly in PAB activities.

Through analyzing data and attendance patterns from Zoom meetings, the ODPa has gained insights into public engagement effectiveness, which has informed the creation of a strategic communication and outreach plan. For this report, “public engagement”⁴ is analyzed quantitatively through the number of individuals present at PAB meetings (see Figure 2) and the average time spent in the meetings (see Figure 3).



⁴ During the review period, which coincided with the COVID-19 pandemic and virtual-meeting protocols, the ODPa mainly measured “public engagement” through Zoom attendance logs. The ODPa is currently working on systematizing recordkeeping of participation in hybrid environments.

**Figure 2
Public Participation**

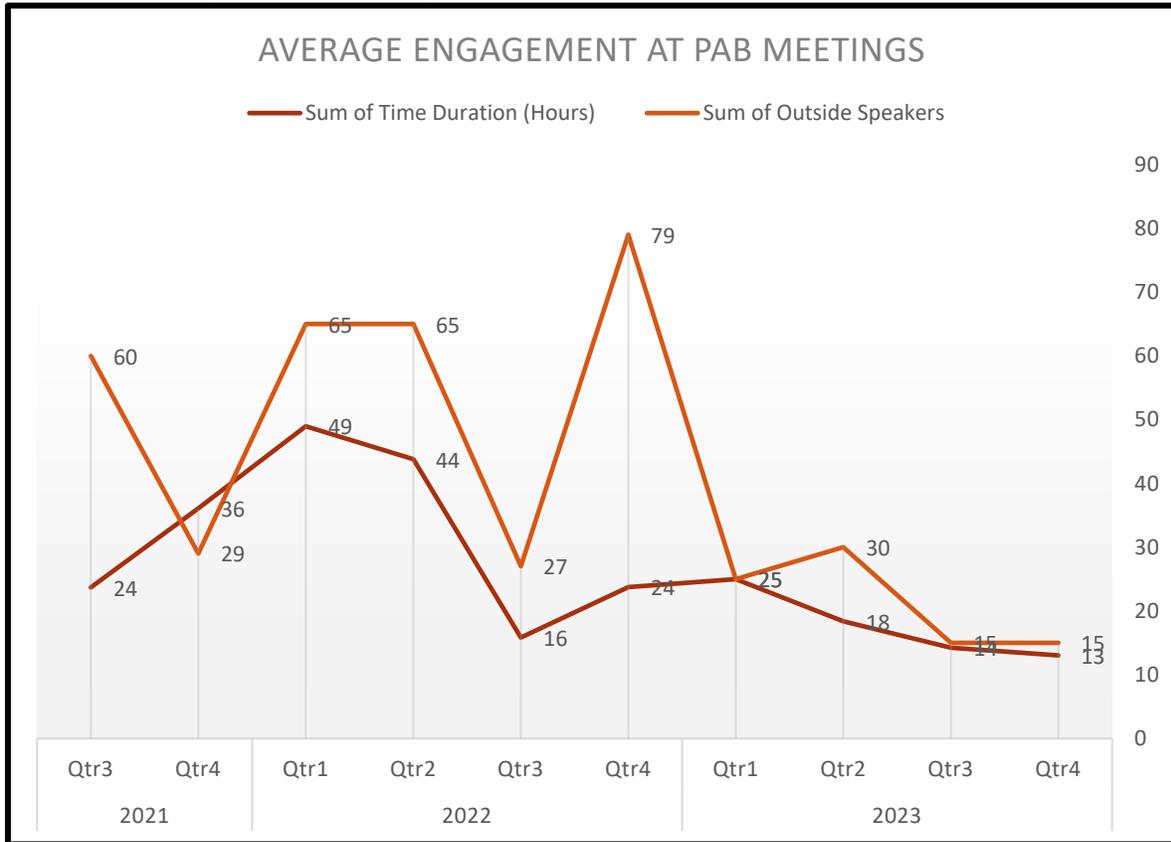


As shown in Figure 2, the numbers of participants (i.e., Public Members Present) and contributors to the public comment section (i.e., Outside Speakers) have declined throughout the review period. Although neither the PAB nor the ODPa can provide definitive explanations for this without systematically surveying the participants, there are various logical explanations for these varying levels of engagement.⁵ Factors such as individual outreach efforts, network discussions, and media coverage may influence attendance.



⁵ The Institute for Local Government has provided some advice on promoting engagement. For more details, 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 shows 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 BPD.

In addition to these activities, the PAB and ODPa hosted or participated in a few outreach or engagement events that took place either virtually or in person, including the following:

Virtual Community Discussions

EVENT NAME	YEAR
Friends of Adeline Community Meeting	2022
Community Input Session on 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

EVENT NAME	YEAR
Career Fair at Leadership Public Schools – Hayward	2023
Informational Workshop: Police Accountability and Your Rights in Berkeley at Hope Center <ul style="list-style-type: none"> Learn about Berkeley’s police accountability system and community resources. Learn about rights & responsibilities during police encounters 	2023
Discussion with Law & Social Justice Pathway Program Students at Berkeley High School	2023
UC Berkeley DeCal Course Guest Speakers: <ul style="list-style-type: none"> People’s Investigations and Campaigns the Police Accountability Board Policy vs. Misconduct Complaints Data Organization Access to Records 	2023
Participation in the Berkeley Juneteenth Festival	2022–2023

Analysis of meeting attendance data from Figures 2 and 3 reveals significant trends. Remote PAB meetings attract higher viewer participation, particularly during events of substantial public interest. This underscores the importance of specific topics in driving public engagement. However, understanding these patterns has limitations; data collection does not capture participants’ awareness, sources, or motivations beyond general topical interest. 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 BPD.

The work of the ODPa data analyst⁶ will be crucial to systematically track and interpret attendance trends and broader public engagement. Future analysis will include conducting post-Zoom surveys and focus groups as well as employing 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 and improved

⁶ This key position has been vacant throughout the review period. The ODPa has been collaborating with human resources personnel to fill this position.

understanding, fostering 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”⁷ devices to enhance the hybrid experience and ensure accessibility for all stakeholders.

PERSONNEL AND POLICY COMPLAINTS⁸

Investigative Processes and Procedures

[Berkeley Charter Section 125\(18\)](#) and [Interim Regulations for Handling Complaints Against Sworn Officers of the Police Department \(Interim Regulations\)](#) outline the PAB and ODPa's investigative processes and procedures. The Berkeley City Council approved the Interim Regulations on October 5, 2021, and the PAB finalized their proposed permanent regulations on November 21, 2022. The final regulations are still undergoing the meet-and-confer process and have not yet been presented to the Council for approval.

Filing a complaint

Under the Interim Regulations, only aggrieved parties, as well as eyewitnesses (percipient witnesses) or their representative,⁹ may file a complaint alleging police misconduct. Complaints must be filed within 180 days¹⁰ of the alleged misconduct, except when a tolling exception applies. Tolling may apply when the complainant is incapacitated or otherwise prevented from filing a complaint or if the complainant is subject to a criminal proceeding related to the matter of the complaint. When filing a complaint, the complainant has the option of choosing mediation instead of an investigation.

⁷ For more information about this device and how other organizations have used it, consider visiting <https://resources.owllabs.com/case-studies/tag/business>.

⁸ Policy reviews initiated by the PAB without a complaint are not included.

⁹ Complainants may represent themselves or obtain a representative, but one is not required (Right to Representation is established in Section II.A.5 of the Interim Regulations). Law students participating in UC Berkeley School of Law's Police Review Project (PRP) have been assisting community members in navigating the complaint process. To learn more about the PRP, please visit: <https://www.law.berkeley.edu/experiential/pro-bono-program/slps/current-slps-projects/police-review-project/-:~:text=The%20Police%20Review%20Project%20%28PRP%29%20focuses%20on%20supporting,within%20PRP%20that%20work%20to%20achieve%20these%20goals>.

¹⁰ The filing period is outlined in Section II.A.3 of the Interim Regulations.

Upon receipt of a complete complaint form, the Director of Police Accountability screens the complaint for sufficiency. A notice of complaint and allegations is then issued to the subject officers within ten (10) days, and an investigation begins. Complaints that do not allege *prima facie* misconduct, or are frivolous or retaliatory, are submitted by the Director to the PAB for administrative closure.

Investigative procedures

Section II.C.1 of the Interim Regulations, consistent with the city charter, indicates that the time limit for completion of an investigation is one hundred and twenty (120) days¹¹ from the time of the city's discovery by a person authorized to initiate an investigation into the alleged misconduct. During this time, ODPa staff undertakes a timely, thorough complete, objective, and fair investigation.¹² The investigative process may include any of the following:

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

Upon completion of the investigation, the director provides the PAB with a Findings & Recommendations Report in which recommendations for each allegation are provided. The board then considers whether to accept the director's recommendations or proceed to a hearing. If the findings and recommendations are accepted, the director forwards their report to the chief of police who then decides whether or not they agree with the level of discipline recommended, if any. If the chief of police agrees with

¹¹ Section II.C.1.b of the Interim Regulations allow for a longer time period for the investigation, not to exceed 195 days.

¹² The standards of the investigation are set forth in Section 125(14)(f) of the City Charter.

the director and PAB, the chief issues a final decision. If the chief disagrees with the recommendation, they send their tentative decision to the director, who may decide to take no further action at that time or request that the CM review the case for a final decision.

Hearing procedures

A limited number of personnel complaints proceed to the hearing stage. Hearings are held if the PAB decides that further fact-finding is needed **after considering the ODP's** findings and recommendations. A hearing panel, comprising three board members, is responsible for conducting hearings. These personnel hearings are not open to the public.¹³ Beyond the complainant and the subject officer, only the director and staff investigator attend, as well as the duty command officer. The Interim Regulations mandate¹⁴ the presence of both the complainant and the subject officer to address the questions posed by board members.

The hearing process involves separate testimonies in the hearing room, with the complainant and civilian witnesses testifying first, while the subject officers and their representatives are allowed to be present. Questioning follows a specific sequence, with board members initiating the questioning, followed by the subject officer or their representative, and concluding with follow-up questions from the board members. Subsequently, the complainant or their representative is afforded time to deliver a case summary and closing statement.

Upon completion of their testimony, the complainant and civilian witnesses are excused from the hearing room. Subsequently, the subject officers and any witness officers are called to testify separately, with the presence of subject officer representatives being permissible.¹⁵ After the conclusion of testimony, the members assigned to a hearing panel deliberate and vote on each of the allegations. Their finding is then forwarded to the chief of police.

Section 125(16)(b)(1) of the Berkeley City Charter mandates that the Director of Police Accountability include within this report a summary of the number, type, and

¹³ Per Section I.B.3 of the Interim Regulations.

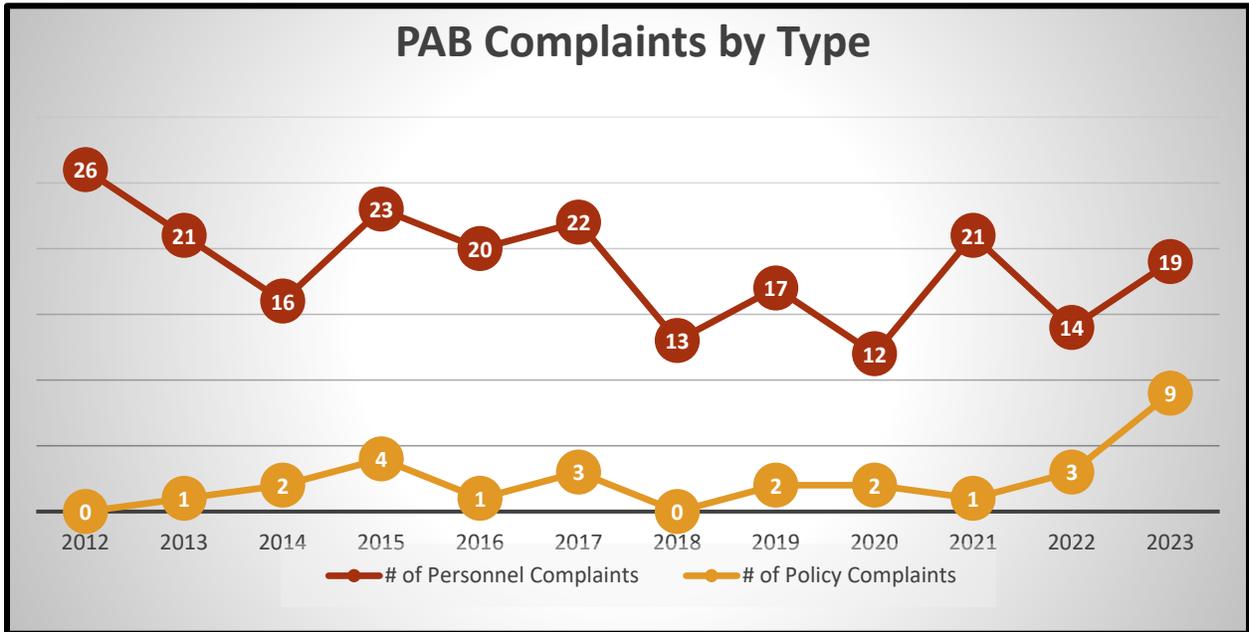
¹⁴ Ibid.

¹⁵ The PAB's proposed permanent regulations suggest a different procedure to make the hearing process more equitable.

disposition of complaints filed with the PAB and BPD, the policy complaint undertaken, and other such information that the PAB or city council has requested.

Summary of number, type, and disposition of complaints filed with the board

Figure 4
Complaints Received by PAB



During the reporting period, the ODPa recorded fifty-two (52) complaints, averaging approximately 18 complaints annually—sixteen (16) in 2021, seventeen (17) in 2022, and nineteen (19) in 2023. This rate aligns closely with the average complaint count of 18.5 observed since 2012, as depicted in Figure 4. Of those 52 personnel complaints, 30¹⁶ complaints were closed by December 31, 2023. In total, 151 individual



¹⁶ Three administrative closures were omitted from this dataset because complainants alleged a totality of facts that seemed implausible, frivolous, or both, thus rendering them not subject to investigation. Additionally, one case was excluded because it was resolved through mediation.

allegations were investigated by the ODPa as depicted in Figure 5.

Figure 5
2021–2023 Police Accountability Board Complaint Disposition Statistics¹⁷

2021- 2023 Police Accountability Board Statistics											
Complaints											
	Complaints Closed	Sustained		Not Sustained		Exonerated		Unfounded		Admin. Closure	
		PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD
Complaints	30	11	2	1	2	4	3	2	9	12	1
Allegations											
	Allegations Closed	Sustained		Not Sustained		Exonerated		Unfounded		Admin. Closure	
		PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD
Improper Use of Force	14	0	0	0	0	2	0	4	6	8	0
Discourtesy	28	2	0	1	0	2	0	6	14	17	0
Improper Search	11	4	0	3	0	0	2	2	1	2	0
Improper Arrest	8	0	0	2	0	2	2	0	2	4	0
Inadequate Investigation	27	4	0	1	1	2	5	6	8	14	0
Improper Detention	15	0	0	4	0	4	2	1	2	6	1
Discrimination	10	1	0	2	0	0	1	2	5	5	0
Harassment	5	1	0	0	0	0	0	2	2	2	1
Improper Procedure	26	5	1	1	1	6	3	6	14	8	0
Improper Eviction	4	4	3	0	1	0	0	0	0	0	0
Improper Citation	3	0	0	0	0	1	0	0	1	2	0
Total Allegations	151	21	4	14	3	19	15	29	55	68	2

Note(s): Three administrative closures were omitted from this dataset because complainants alleged a totality of facts that seemed implausible, frivolous, or both, thus rendering them not subject to investigation. Additionally, one case was excluded as it was resolved through mediation.

Also noted in Figure 4 is the number of complaints received regarding policies, practices, and 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) complaints in 2023. These complaints nonetheless contribute to the ongoing work of addressing systemic issues, which 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 BPD.

It is important to note that although the City of Berkeley may be a relatively "low complaint" jurisdiction, understanding the reasons that motivate individuals to file

¹⁷ Refer to Appendix 3 for the data pertaining to each specific year.

complaints—or not to file complaints—is challenging. On a national level, according to the findings of the most recent U.S. Department of Justice's Police–Public Contact Survey, about 1% of U.S. residents reported that police behaved improperly. Without replicating such a rigorous, generalizable survey, the “true pulse” of community sentiment toward local law enforcement, or perceptions of police interactions, is 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 a QR code that includes 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.

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 software system for complaints and compliments. 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 investigations,¹⁸ and submit service-improvement recommendations, this software system aims to streamline communication among the community, the ODPa,

¹⁸ 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.

and the BPD. Furthermore, the inclusion of an online data dashboard will provide stakeholders with real-time access to complaints and compliments received, fulfilling the city's commitment to fostering a transparent and accountable law enforcement atmosphere.

Summary of number, type, and disposition of complaints filed with the police department by members of the public

Notably, “Discourtesy” and “Inadequate Investigation” have remained prevalent concerns throughout the years...

Analysis of the BPD's Internal Affairs Bureau statistics across 3 years, as shown in Figure 6, 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, whereas in 2022, one hundred forty-two (142) allegations were made in twenty-four (24) 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 comprising a consistent number of active complaints. However, no sustained allegations were recorded for “Improper Detention

(Jail)” and “Discrimination” in any of the 3 years, suggesting that these particular concerns were unfounded or resolved without disciplinary action.

Figure 6
2021–2023 BPD Allegation Data¹⁹

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
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 inconsistent decisions across the PAB, the chief of police, and the CM. Procedurally,²⁰ upon completion of the investigation, the director will provide the PAB with a Findings & Recommendations Report wherein 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 whether they agree with the level of

“An analysis of police misconduct complaint data has highlighted inconsistent decisions across the PAB, the chief of police, and the CM.

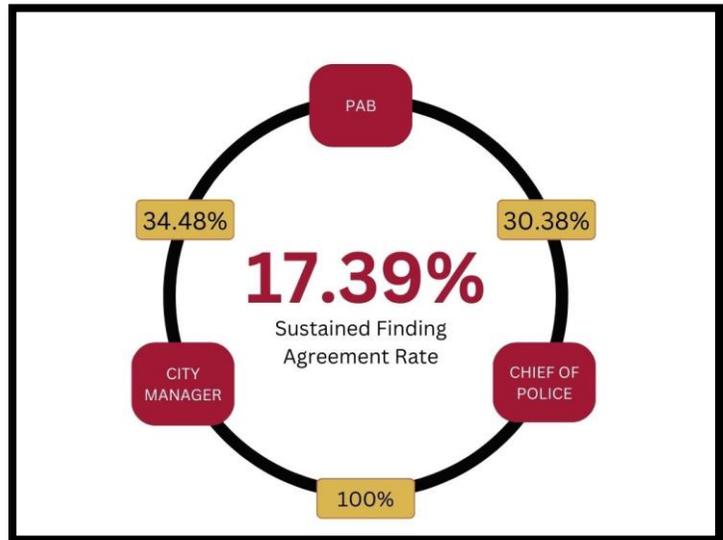
¹⁹ Refer to Appendix 4 for the data pertaining to each specific year.

²⁰ The full procedure of complaints filed with the director of police accountability can be found in Charter Section 125(18).

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 CM review the case.

The agreement rate—an essential measure of the decision-making process—has been a focal point of our review. For the period covered by this report, we examined a total of 79 allegations, 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 complete alignment in findings, whereas the

Figure 7 Allegation Disposition Agreement Rates



PAB and CM only agreed 34.48% of the time.²¹ See Figure 7.

A critical finding of this period reveals that of the 79 allegations reviewed by the PAB and the BPD, 23 were recommended to be sustained by the PAB. However, for those 23 allegations, the BPD, the CM, or both only sustained four: a sustained finding agreement rate of 17.39%. Of the other 19 allegations sustained by the PAB, the chief did not agree with the board, and the CM agreed with the chief 100% of the time. This significant discrepancy between PAB findings and the chief and CM's findings, in which they sustain an allegation, is of concern. Such a disparity in findings raises questions about differing standards or interpretations applied to the cases and warrants further examination to enhance the coherence and effectiveness of police oversight. Understanding the underlying causes of disagreements between the PAB and the chief and the CM is

²¹As calculated in this report, the agreement rate is determined by dividing the count of agreements between the PAB and chief of police by the total number of allegations examined. This figure is then transformed into a percentage by multiplying it by 100. There were 79 allegations reviewed by the PAB and the chief, but only 29 were requested for final review by the CM.

essential. Addressing these differences is key to achieving the ODPa's objective 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 consistent and just outcomes.

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 the evidence. This finding underscores the rigorous evidentiary standards applied by the PAB and emphasizes the complex nature of substantiating such allegations.

Policies, Practices, and Procedures

Self-initiated policy work

One key responsibility of the PAB is to provide advice and make recommendations to the public, city council, and CM on the operations of the department, including written policies, practices, and procedures. In addition, the board is responsible for reviewing and recommending city council approval of all agreements, letters, memoranda of understanding, or policies that express terms and conditions of mutual aid, information sharing, cooperation, and assistance between the BPD 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 can provide effective oversight of the department and promote transparency and accountability in its operations.

Policy subcommittees

Between 2021 and 2023, the PAB established eighteen (18) subcommittees. Of these, seven have been dissolved, leaving eleven currently active. Of these eleven, six are dedicated to policy matters. The subcommittees formed by the board are as follows:

Name of Subcommittee	Date of Establishment	Dissolved
Regulations	7/7/2021	N/A
Fair & Impartial Policing Implementation	8/4/2021	N/A

Director of Police Accountability Search	8/4/2021	10/12/2022
Mental Health Response	11/10/2021	6/7/2023
Fixed Surveillance Cameras	2/9/2022	6/7/2023
PAB Budget Review	2/23/2022	N/A
Controlled Equipment Use and Reporting	5/11/2022	6/7/2023
Chief of Police Selection Process	9/30/2022	6/7/2023
Drone Use Policy	11/9/2022	6/7/2023
Policies and Practices Relating to Downtown Task Force and Bike Unit Allegations	11/15/2022	N/A
Body-Worn Camera Policy	3/15/2023	N/A
Conflict of Interest	3/28/2023	N/A
Charter Section 125 Review	4/26/2023	6/7/2023
Surveillance Technology Policy	6/7/2023	N/A
Lexipol Review	11/8/2023	N/A
Commendations	11/8/2023	N/A
Off-Duty Conduct	11/8/2023	N/A
Budget & Metrics	11/8/2023	N/A

Impact of the PAB's advisory role

In the reporting period, the city council made several pivotal decisions that significantly impact our oversight and governance landscape. Notably, the council appointed a new permanent chief of police amid ongoing investigations involving the top candidate. Additionally, the council approved the expansion of the city's surveillance program, which included the adoption of ALPR technology and the installation of fixed surveillance cameras throughout the city. This expansion occurred despite notable objections from the PAB, which raised concerns regarding the balance between enhancing security and protecting privacy. Furthermore, there has been a notable delay by the BPD in revising policies aimed at improving accessibility and transparency. These amendments are crucial for enhancing the ability of both the community and the PAB to engage more effectively in police oversight. The ODP and PAB continues to monitor these developments closely, advocating for improvements that align with our commitment to fostering an environment of transparent and accountable policing.

BERKELEY POLICE DEPARTMENT ACTIVITY

Section 125(16) of the Berkeley City Charter mandates that the Director of Police Accountability include an assessment of designated activities carried out by the BPD. This assessment encompasses an examination of BPD stop data, incidents involving use of force, and officer-involved shootings.

BPD Stop Data Analysis

As previously highlighted, the content presented in this section of the report fulfills the mandate outlined 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 BPD actions. 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 and its disposition, and the location of the stop.

In conducting this review, it is important to highlight and commend the BPD for its ongoing commitment to transparency and community engagement, exemplified by its use of the [Transparency Hub](#).²² 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 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.

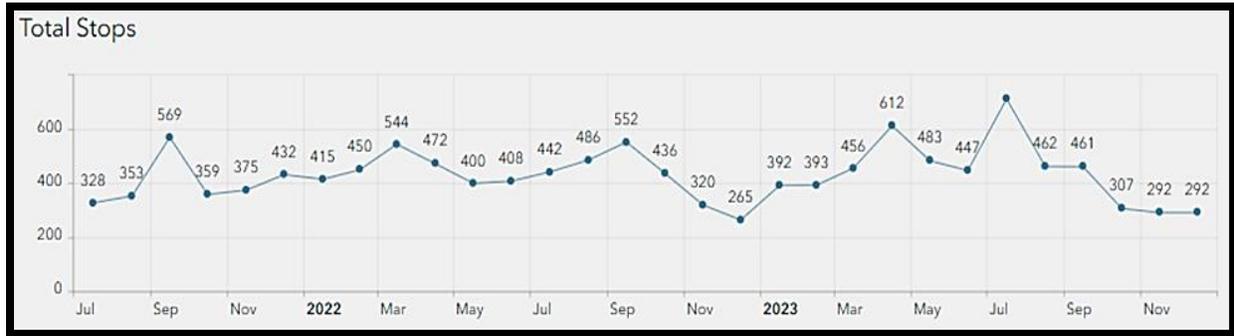
Total Stops
12,914

A detailed breakdown of these stops across different monthly intervals, as illustrated in Figure 8, displays temporal patterns or trends in policing activities. For example, an increase in stops during specific months might correlate with seasonal

²² To access stop data on the BPD Transparency Hub, visit <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/stop-data>.

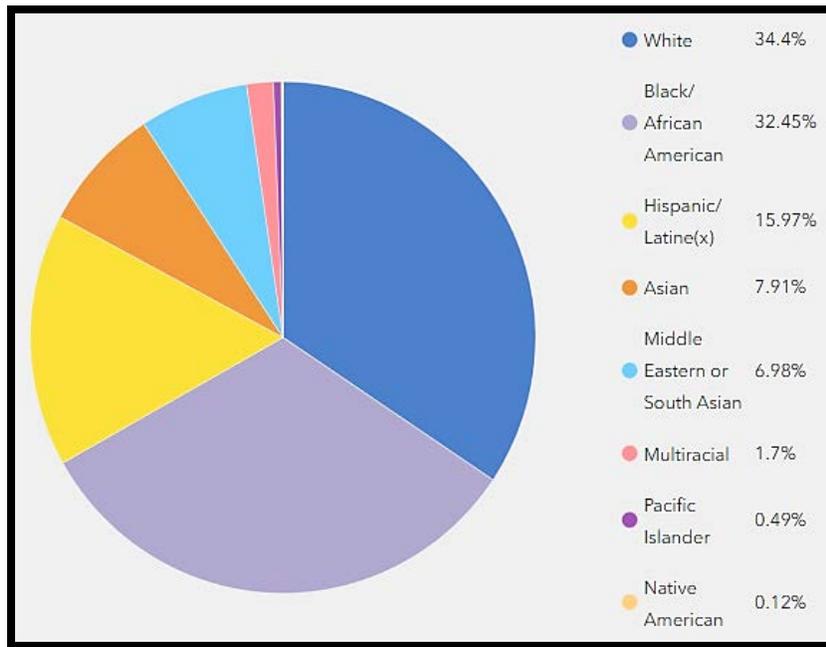
events, public holidays, or law enforcement initiatives. Conversely, a decrease in such activities could reflect changes in policing strategies, community events, or external factors affecting crime rates and police response.

Figure 8
Total Stops by BPD at Monthly Intervals 2021–2023



Given the city's population size, the number of stops equates to approximately 10.4% of the population having had an encounter with the police over the 2.5-year period. This rate of police interaction can be indicative of several factors, including the level of law enforcement engagement, community policing practices, and overall crime rate in the area.

Figure 9
Racial Distributions of BPD Stops for July 2021 to December 2023.



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 overview of the BPD's policing practices. It can also help assess the effectiveness and fairness of law enforcement activities,

contributing to discussions of police accountability and community relations.

Demographics of the Individuals Being Stopped

“White individuals, who make up a substantial portion of Berkeley’s population, accounted for 34.35% of police stops, whereas Black or African American individuals, representing a smaller demographic slice of the city, were subject to 32.45% of the stops.

A critical analysis, guided by insights from the May 2018 [Center for Policing Equity report](#),²³ shows notable racial disparities in BPD stops (see Figure 9). For example, White individuals, who make up a substantial portion of Berkeley’s population, accounted for 34.35% of police stops, whereas Black or African American individuals, representing a smaller demographic slice of the city, 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 size.²⁴ Similarly, Hispanic or Latinx individuals, who comprised 15.97% of the stops, are

overrepresented considering their demographic proportion in the general population.

The Center for Policing Equity Report underscores the importance of such data to understand the complexities of racial disparities in policing. Specifically, as noted on page 5 of the report, the National Justice Database’s 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:

1. Disparities that arise from community characteristics. For example, 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 example, police may patrol some neighborhoods with less commitment to the

²³ 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>

²⁴ This area has garnered attention from both the community and the board. Although population demographics serve as a relevant benchmark, it is crucial to consider the residency status of individuals with whom the police interact to ensure an accurate denominator.

dignity of those who live there. 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 example, mistrust of law enforcement may cause members of some communities to flee approaching officers or resist arrest more often than members of other communities. 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 metrics are critical for evaluating the BPD's commitment to equitable policing.

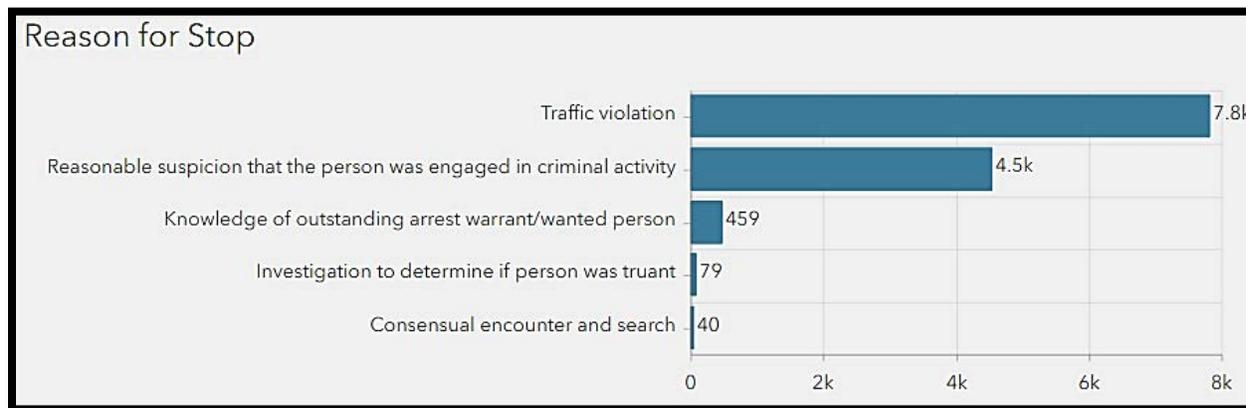
To that end, the Fair and Impartial Policing Implementation Subcommittee of the PAB is rigorously examining these statistics to move beyond the descriptive data presented in this annual report. The subcommittee's work includes a careful review of the reasons and outcomes of the stops, aiming to identify and mitigate factors contributing to observed racial disparities. This nuanced interrogation by the subcommittee aligns with the PAB and the ODPA's ongoing efforts to implement reforms that further align the 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 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 are 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 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 nondiscrimination upheld by the BPD extend

beyond the badge, reaffirming that officers represent the values of the department and the city at all times.

Altogether, the work of these subcommittees represents 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 trust between the community and law enforcement, upholding Berkeley's pioneering legacy of 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 acknowledge the importance of data-driven analysis in guiding policy reform. 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.

Reason for the Stop

Figure 10
BPD Reasons for Stops for July 2021 and December 2023



In our in-depth analysis of the reasons for police stops, we found significant variance. The data, as visualized in the bar graph in Figure 10, demonstrate that traffic violations are the predominant reason, accounting for approximately 7,800 incidents, followed by stops made on reasonable suspicion that the person was engaged in criminal activity, which number around 4,500. Far fewer stops are based on knowledge

of outstanding arrest warrants or wanted status, truancy investigations, or consensual encounters and searches.

The data, analyzed at the same level of scrutiny as the racial breakdown of stops, reveal areas that may require further policy consideration 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 close examination to ensure that such stops are justified and do not unfairly target specific communities, contributing to 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

The disposition of stops by the BPD is a significant indicator of law enforcement outcomes and their implications for community policing. In the period 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 warnings.



Arrests, accounting for approximately 18.9% of all stops, signify more serious encounters requiring police to take individuals into custody. This figure prompts further examination of the nature of the offenses leading to arrests to ensure that such enforcement actions are applied fairly and judiciously across all demographic groups.

“Warnings, given in approximately 33.8% of stops, suggest a discretionary practice in which officers may be using their judgment to resolve situations without formal legal action.

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 confirm their consistency with legal and departmental standards and to confirm 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 because of 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 in which 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.

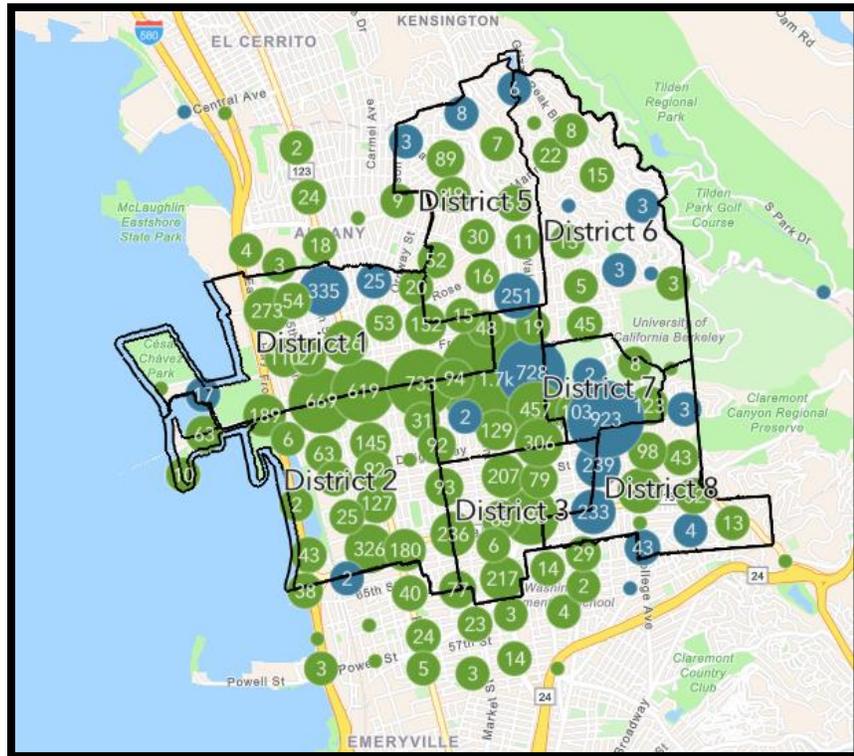
The disparity in stop outcomes along with the racial demographics of those stopped suggests areas for further policy review. As noted earlier in this report, the Fair and Impartial Policing Implementation Subcommittee is actively analyzing these dispositions to identify any implicit biases or procedural inconsistencies. The subcommittee's work extends 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 of a policing strategy rooted in fairness and impartiality. The BPD, under the oversight of the PAB and ODPA, should 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 8 showing notably higher numbers of stops than in other areas.

Figure 11
Location of BPD Stops for July 2021 to December 2023



For example, District 2 exhibits a substantial volume of stops, suggesting a higher level of police presence and activity. This could potentially be explained by a variety of factors such as 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. They prompt 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 in Berkeley. The disparities highlighted on the map will

be considered alongside demographic data and community feedback that will 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.

Trends and Patterns Regarding Use of Force²⁵

In February 2021, the BPD transitioned from its previous use-of-force policy to a new approach prioritizing de-escalation with more stringent reporting requirements. The updated policy now includes four levels of force, with Level 1 involving uninjurious 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 as follows:

Level 1: This level involves uninjurious 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 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.

²⁵ For more information about the BPD's policies and definitions regarding use of force, visit

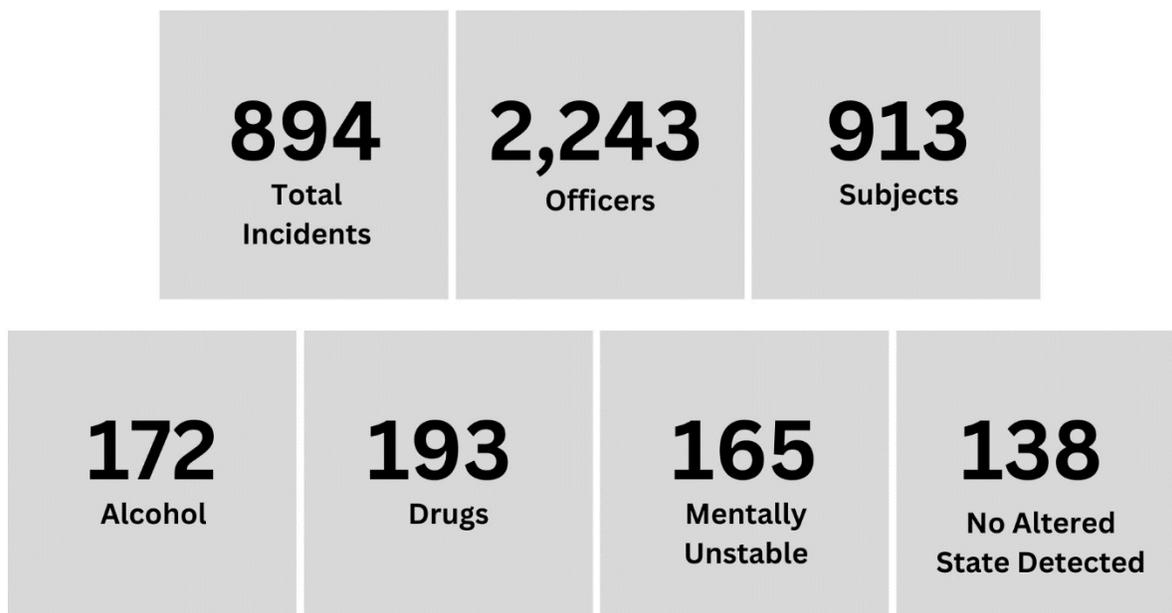
BPD Policy 300

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, use-of-force incident reports 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. This policy is required to be reviewed annually by the BPD and the PAB. During the reporting period, there were 894 total incidents involving the use of force by the BPD, involving 913 subjects and 2,243 officers.



The nature of these incidents varied, with a specific number involving individuals affected by alcohol (172 incidents) or drugs (193 incidents) or identified as mentally unstable (165 incidents). However, in 138 instances, no altered state was detected, pointing toward a wide spectrum of circumstances leading to the application of force.

Demographically, the distribution of subjects involved in these use-of-force incidents was as follows: Black individuals constituted 47.04%, White individuals constituted 23.46%, and Hispanic individuals constituted 16.23%, with the remaining categories including Asian, biracial, unknown, Indian, and Native American individuals making up smaller percentages of the total. See Figure 12.

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.

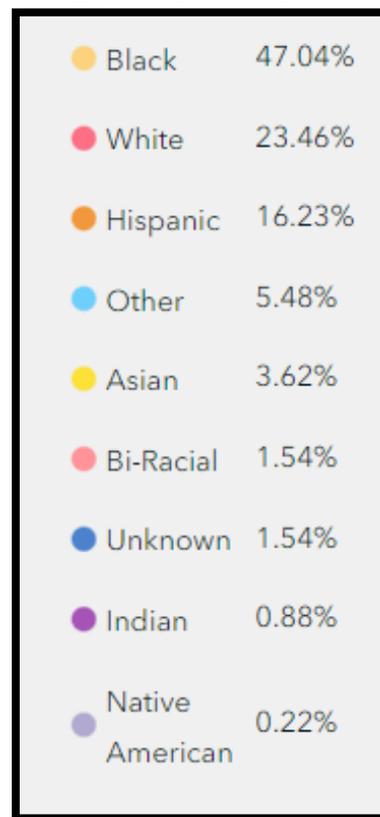
The information on incidents related to alcohol, drugs, and mental instability points to the broader social challenges intersecting with law enforcement. These include the need for enhanced officer training in crisis intervention and substance abuse awareness as well as the importance of collaboration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

The data on use-of-force incidents presented in this report serve as a vital tool for ongoing evaluation and reform. These data 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 policymaking, the BPD and ODPA are committed to fostering a safe, fair, and respectful environment for all Berkeley residents.

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 one²⁶ of these shootings, specifically the incident on November 6, 2023, on Grayson and 7th Street, after the related criminal proceedings are completed. This decision underscores our commitment

Figure 12 Use of Force Demographic by Ethnicity



²⁶ 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 received a filed complaint for only one of the OIS incidents.

to transparency and accountability, particularly in incidents involving the use of deadly force.

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 ODP'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 to safeguard life, dignity, and liberty for all community members.

As we proceed with this inquiry, the ODP 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, OIS represent the most consequential of these interactions. Comprehensive analysis of these incidents is ongoing, with particular attention given to demographic disparities and geographic distribution of police stops, which could inform the conditions leading to such serious outcomes.

The ODP 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 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.

OBSTACLES, SETBACKS, AND BARRIERS TO CIVILIAN OVERSIGHT IN BERKELEY

The pursuit of civilian oversight in Berkeley has been an evolving journey spanning 5 decades. Although the PAB and the ODP 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 began with the ambition to be

“One tangible obstacle that emerged was delayed support from city departments, which manifested in prolonged access to information, services, and records essential to effective oversight.

a front-runner in this space, reflecting a long-standing commitment to accountability and community participation in policing matters. Despite this rich history, between 2021 and 2023, civilian oversight efforts in Berkeley have confronted a number 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 some significant hurdles, including their 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, CM, and the police department—questions about impartiality and independence in oversight functions have arisen. Such complexities underscore the need for clear boundaries and dedicated legal support to ensure the integrity of the oversight process.

One tangible obstacle that emerged was delayed support from city departments, which manifested in prolonged access to information, services, and records essential to effective oversight. For example, the ODPa has been engaged in discussions since December 2022 regarding relocation to a new office. 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 in 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 review period 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 in the PAB and ODPA slowing down processes and affecting the timeliness of complaint handling and policy reviews. Despite this, efforts by the Office of the CM and the Mayor's Office to convene stakeholder meetings were noteworthy, suggesting a high level of commitment to addressing the oversight mechanisms' needs.

In the same vein, the drafting and finalization of regulations and procedures for handling complaints has 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.

Although the CM 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 CM's final decisions. Such a dynamic hints at the need for a more empowered PAB whose advisory recommendations carry consequential weight.

“The city's staffing crisis compounded these challenges, with vacancies in the PAB and ODPA slowing down processes and affecting the timeliness of complaint handling and policy reviews.

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, the infrastructural and staffing needs of the PAB and ODPA must be prioritized, enabling them to address the systemic issues identified and thereby enhance public trust in civilian oversight. The coming period should be focused 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 to be addressed, ensuring that the PAB and ODPA can operate with unfettered independence and objectivity.

Although progress has been made, there is a clear call for a strategic approach to bolster the civilian oversight function, fortifying its place within city governance and enhancing its capacity to effect meaningful and responsive police oversight in Berkeley.

CONCLUSION AND RECOMMENDATIONS

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 toward 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 collaborative relationships among the PAB, the BPD, and the community to fully realize the principles of Measure II.
- (2) 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 in terms of thoroughness, fairness, and transparency.
- (3) 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 current member of the city council.
- (4) Clarify protocols: We suggest establishing protocols to ensure that the PAB is integrated into city governance structures as outlined in the city charter.
- (5) Amplify community voices: We must increase efforts to include diverse community perspectives in the oversight process, ensuring that all residents feel represented

and heard. To effectively amplify community voices, it is essential to develop a well-funded and sustainable outreach and engagement program. This initiative should include the investment in key personnel, such as an outreach and engagement specialist, or a comparable role, within the ODPA, to foster ongoing dialogue and trust between the community and oversight bodies.

(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 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.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=CONS&toCTitle=+California+Constitution+-+CONS>

California Government Code:

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

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

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

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

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>

APPENDICES

APPENDIX 1. MEET THE POLICE ACCOUNTABILITY BOARD²⁷

The Board Members

JOHN "CHIP" MOORE
Chair

LEAH WILSON
Vice-Chair

KITTY CALAVITA
Board Member

JULIET LEFTWICH
Board Member

ALEXANDER MOZES
Board Member

BRENT BLACKABY
Board Member

JOSHUA CAYETANO
Board Member

²⁷ Additional members of the PAB include:

- Michael Chang—served from June 2021–August 2022 before resigning.
- Nathan Mizell—served from June 2021–December 2022 before resigning.
- Ismail “Izzy” Ramsey—served from June 2021–February 2023 before resigning.
- Regina Harris—served from June 2021–February 2024 before resigning.
- Deborah “Dobbie” Levine—served from June 2021–May 2023 until her term expired.
- Cheryl Owens—served from June 2021–May 2023 before resigning.

APPENDIX 2. MEET THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY



The Director of Police Accountability and three staff members comprise the ODP.



Complementing this dedicated team, the ODP has also launched an innovative animal-assisted intervention (AAI) program—believed to be the first of its kind in the national field of civilian oversight—featuring Lucky, a therapy animal. Lucky, a chocolate, mixed Labrador Retriever and Cocker Spaniel from Puerto Cortes, Honduras, has been registered with [Pet Partners](https://petpartners.org/about/).²⁸ 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 ODP'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.

²⁸ To learn more about Pet Partners and the benefits of AAI: <https://petpartners.org/about/>

APPENDIX 3. COMPLAINTS SUMMARY TABLE FOR 2021–2022

FINDINGS CATEGORIES

SUSTAINED	The allegation did occur and the action is not justified.
NOT SUSTAINED	The evidence fails to support the allegation; however, it has not been proven false.
UNFOUNDED	The alleged act did not occur.
EXONERATED	The alleged act did occur, but it was lawful, justified, and proper.
ADMIN CLOSED	Refers to an administrative closure of a complaint before a confidential personnel hearing is held. According to the PAB and ODPa Interim Regulations for Handling Complaints Against Sworn Officers of the Police Department , the grounds upon which a complaint may be administratively closed include but are not limited to the following: <ul style="list-style-type: none"> i. Complaint does not allege prima facie misconduct or is frivolous or retaliatory. ii. Request for closure by the complainant. iii. Unavailability of complainant where staff has attempted at least three telephone, electronic mail, and/or regular mail contacts. Attempts to reach the complainant by telephone and/or mail shall be documented in the recommendation for Administrative Closure. iv. Mootness of the complaint including but not limited to situations where the subject officer's employment has been terminated or where the complaint has been resolved by other means. v. Failure of the complainant to cooperate, including but not limited to: refusal to submit to an interview, to make available essential evidence, to attend a hearing, and similar action or inaction by a complainant that compromises the integrity of the investigation or has a significant prejudicial effect. vi. Failure of ODPa staff to timely complete its investigation, as set forth in Section II.C.1.
N/A	Not Applicable
N/R	Berkeley Charter Section 125(18)(k) provides the discretion to the Director of Police Accountability to request further review from the CM. In this case "N/R" means a subsequent review after receiving the chief's tentative findings was not requested and the chief's findings become final.

Case Number	DPA 1		
Allegations	<p>Allegation 1. INADEQUATE INVESTIGATION <i>Whether the subject officer failed to adequately investigate the complainant's report of a restraining order violation</i></p> <p>Allegation 2. IMPROPER POLICE PROCEDURES <i>Whether the subject officer improperly failed to arrest the person named in the complainant's restraining order</i></p> <p>Allegation 3. DISCOURTESY <i>Whether the subject officer exhibited discourtesy toward the complainant through the officer's demeanor, statements, or tone</i></p>		
US 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 <i>Whether subject officers (2x) failed to adequately investigate the complainant's report of a restraining order violation</i></p> <p>Allegation 2. IMPROPER POLICE PROCEDURES <i>Whether the subject officers (2x) improperly failed to arrest the person named in the complainant's restraining order</i></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. SUSTAINED Disciplinary Rec: No specific rec. 2. SUSTAINED Disciplinary Rec: No specific rec.	1. SUSTAINED 2. SUSTAINED	1. UNFOUNDED 2. UNFOUNDED	1. UNFOUNDED Disciplinary Outcome: N/A 2. UNFOUNDED Disciplinary Outcome: N/A

Case Number	DPA 3		
Allegations	<p>Allegation 1. DISCOURTESY <i>Whether the subject officer was discourteous toward the</i></p>		

	<p><i>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 toward 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) Disciplinary Rec: No specific rec.	1. NOT SUSTAINED (3x) & UNFOUNDED 2. SUSTAINED (3x) Disciplinary ²⁹ Outcome:	1. NOT SUSTAINED (3x) & UNFOUNDED 2. SUSTAINED (3x)

²⁹ 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.

Disciplinary Rec: No specific rec.		UNKNOWN & NOT SUSTAINED	Disciplinary Outcome ³⁰ : UNKNOWN & NOT SUSTAINED
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Case Number	DPA 5 ³¹		
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 toward 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 toward the complainant through the officer's demeanor, statements, or tone</i></p>		

³⁰ 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

³¹ This case has been partially resolved.

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>			
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. UNFOUNDED	1. UNFOUNDED	1. UNKNOWN ³²	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 WERE 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----

³² 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.

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 the complainant committed</i></p> <p>Allegation 2. IMPROPER POLICE PROCEDURES - Damage to property <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 <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. ADMIN ³³ CLOSED	1. ADMIN CLOSED	1. ----N/A----	1. ----N/A----
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Case Number	DPA 22		
Allegations	<p>1. DISCOURTESY - Failure to respond <i>Whether the subject officer exhibited discourtesy toward the complainant by 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 toward 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</p>		

³³ This case was administratively closed because of an inability to complete the process as indicated in the Charter within the 240 days.

	<p>- 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 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	2488		
Allegations	<p>1. DISCOURTESY - Abusive or obscene language <i>Whether subject officers used abusive or obscene language toward the complainant</i></p> <p>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></p> <p>3. IMPROPER ARREST</p>		

	<p><i>Whether the subject officer improperly arrested the complainant</i></p> <p>4. IMPROPER POLICE PROCEDURES - Improper confiscation of property <i>Whether subject officers improperly confiscated the complainant's property</i></p> <p>5. IMPROPER INVESTIGATION - False police report <i>Whether subject officers' police reports were false</i></p> <p>6. DISCRIMINATION - Gender <i>Whether any of the subject officers' actions constituted gender bias against the complainant</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---
5. ADMIN CLOSED	(The PAB initiated a policy review as a result of this complaint.)		

Case Number	DPA 17		
Allegations	<p>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></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN CLOSED	1. ADMIN CLOSED	1. ---N/A---	1. ---N/A---

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

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
<p>1. EXONERATED</p> <p>2. EXONERATED</p>	<p>1. EXONERATED</p> <p>2. EXONERATED</p>	<p>1. ---N/A---</p> <p>2. ---N/A---</p>	<p>1. ---N/A---</p> <p>2. ---N/A---</p>

Case Number	DPA 29		
Allegations	1. DISCOURTESY		

	<p>- 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 <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</p>		

	<p><i>Whether the complainant was improperly detained by the subject officer</i></p> <p>7. IMPROPER CITATION</p> <p><i>Whether the subject officer improperly cited the complainant</i></p> <p>8. IMPROPER ARREST</p> <p><i>Whether the subject officer improperly arrested the complainant</i></p> <p>9. IMPROPER OR INADEQUATE INVESTIGATION</p> <p>- Failure to investigate or make police report</p> <p><i>Whether the subject officer failed to investigate or make a police report</i></p> <p>10. IMPROPER OR INADEQUATE INVESTIGATION</p> <p>- False or improper police report</p> <p><i>Whether the subject officer filed a false or improper police report</i></p> <p>11. IMPROPER POLICE PROCEDURES</p> <p>- Failure to provide medical assistance</p> <p><i>Whether the subject officer failed to provide medical assistance</i></p> <p>12. IMPROPER SEARCH</p> <p>- Person</p> <p><i>Whether the subject officer improperly searched the complainant</i></p> <p>13. IMPROPER USE OF FORCE</p> <p>- Improper physical contact</p> <p><i>Whether the subject officer made improper physical contact with the complainant</i></p> <p>14. IMPROPER USE OF FORCE</p> <p>- Improper display of firearm</p> <p><i>Whether the subject officer improperly displayed a firearm</i></p> <p>15. IMPROPER USE OF BATON, FIREARM, HANDCUFFS, MACE, PEPPER SPRAY, ETC.</p> <p><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---

5. ADMIN CLOSED	7. ADMIN CLOSED	7. ----N/A----	7. ----N/A----
6. ADMIN CLOSED	8. ADMIN CLOSED	8. ----N/A----	8. ----N/A----
7. ADMIN CLOSED	9. ADMIN CLOSED	9. ----N/A----	9. ----N/A----
8. ADMIN CLOSED	10. ADMIN CLOSED	10. ----N/A----	10. ----N/A----
9. ADMIN CLOSED	11. ADMIN CLOSED	11. ----N/A----	11. ----N/A----
10. ADMIN CLOSED	12. ADMIN CLOSED	12. ----N/A----	12. ----N/A----
11. ADMIN CLOSED	13. ADMIN CLOSED	13. ----N/A----	13. ----N/A----
12. ADMIN CLOSED	14. ADMIN CLOSED	14. ----N/A----	14. ----N/A----
13. ADMIN CLOSED	15. ADMIN CLOSED	15. ----N/A----	15. ----N/A----
14. ADMIN CLOSED			
15. ADMIN CLOSED			

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 a 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>11. IMPROPER POLICE PROCEDURES - Failure to provide medical assistance <i>Whether the subject officer failed to provide medical assistance</i></p> <p>12. IMPROPER SEARCH - Person <i>Whether the subject officer improperly searched the complainant</i></p> <p>13. IMPROPER USE OF FORCE - Improper physical contact <i>Whether the subject officer made improper physical contact with the complainant</i></p> <p>14. IMPROPER USE OF FORCE - Improper display of firearm <i>Whether the subject officer improperly displayed a firearm</i></p> <p>15. 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. ---N/A---	3. ---N/A---
3. ADMIN CLOSED	4. ADMIN CLOSED	4. ---N/A---	4. ---N/A---
	5. ADMIN CLOSED	5. ---N/A---	5. ---N/A---
4. ADMIN CLOSED	6. ADMIN CLOSED	6. ---N/A---	6. ---N/A---
	7. ADMIN CLOSED	7. ---N/A---	7. ---N/A---
5. ADMIN CLOSED	8. ADMIN CLOSED	8. ---N/A---	8. ---N/A---
	9. ADMIN CLOSED	9. ---N/A---	9. ---N/A---
6. ADMIN CLOSED	10. ADMIN CLOSED	10. ---N/A---	10. ---N/A---
	11. ADMIN CLOSED	11. ---N/A---	11. ---N/A---
7. ADMIN CLOSED	12. ADMIN CLOSED	12. ---N/A---	12. ---N/A---
	13. ADMIN CLOSED	13. ---N/A---	13. ---N/A---
8. ADMIN CLOSED	14. ADMIN CLOSED	14. ---N/A---	14. ---N/A---
	15. ADMIN CLOSED	15. ---N/A---	15. ---N/A---
9. ADMIN CLOSED			
10. ADMIN CLOSED			
11. ADMIN CLOSED			
12. ADMIN CLOSED			
13. ADMIN CLOSED			
14. ADMIN CLOSED			
15. ADMIN CLOSED			

Case Number	DPA 30
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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 their 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> <p>4. IMPROPER POLICE PROCEDURES - Failure to provide medical assistance <i>Whether the subject failed to provide medical assistance</i></p>		
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. ---N/A---

	4. UNFOUNDED	
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Case Number	2023-CI-0002
Allegations	<p>1. DISCOURTESY - Failure to provide information <i>Whether the subject officers deliberately misled 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 <i>Whether the subject officer failed to properly investigate the robbery allegations against an individual who was arrested</i></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 <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</p>

	<p>- 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 their 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----

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 a 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 the 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 the 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 <i>Whether the subject officers failed to properly identify themselves</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---

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. ---N/A---	2. ---N/A---

2. ADMIN CLOSED	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			
5. ADMIN CLOSED			

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. ---N/A---	2. ---N/A---
2. ADMIN CLOSED	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---
	6. ADMIN CLOSED	6. ---N/A---	6. ---N/A---
4. ADMIN CLOSED			

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 themselves</i></p> <p>5. DISCOURTESY - Rudeness or intimidating attitude <i>Whether the subject officer exhibited a dismissive or intimidating attitude or behavior toward 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---

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 W&I Hold</i></p> <p>2. HARASSMENT <i>Whether the subject officers harassed the complainant</i></p>		

	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 action ³⁴ <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----

³⁴ 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 4: ODPa STATISTICS 2021–2023

2021 Police Accountability Board Statistics											
Complaints											
	Complaints Closed	Sustained		Not Sustained		Exonerated		Unfounded		Admin. Closure	
		PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD
Complaints	6	5	1	0	1	0	0	1	4	0	0
Allegations											
	Allegations Closed	Sustained		Not Sustained		Exonerated		Unfounded		Admin. Closure	
		PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD
Improper Use of Force	1	0	0	0	0	0	0	1	1	0	0
Discourtesy	4	1	0	1	0	0	0	2	4	0	0
Improper Search	7	4	0	3	0	0	0	0	1	0	0
Improper Arrest	0	0	0	0	0	0	0	0	0	0	0
Inadequate Investigation	4	3	0	0	0	0	0	1	4	0	0
Improper Detention	0	0	0	0	0	0	0	0	0	0	0
Discrimination	0	0	0	0	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0	0	0	0
Improper Procedure	7	1	0	1	1	0	0	5	6	0	0
Improper Eviction	4	4	3	0	1	0	0	0	0	0	0
Improper Citation	0	0	0	0	0	0	0	0	0	0	0
Total Allegations	27	13	3	5	2	0	0	9	16	0	0

2022 Police Accountability Board Statistics

Complaints

	Complaints Closed	Sustained		Not Sustained		Exonerated		Unfounded		Admin. Closure	
		PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD
Complaints	4	2	1	0	0	2	1	0	0	0	0

Allegations

	Allegations Closed	Sustained		Not Sustained		Exonerated		Unfounded		Admin. Closure	
		PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD
Improper Use of Discourtesy	1	0	0	0	0	0	0	1	1	0	0
Improper Search	1	0	0	0	0	0	1	1	0	0	0
Improper Arrest	1	0	0	1	0	0	1	0	0	0	0
Inadequate Investigation	4	0	0	0	0	2	2	2	0	0	0
Improper Detention	3	0	0	1	0	2	1	0	0	0	0
Discrimination	1	0	0	1	0	0	0	0	1	0	0
Harassment	0	0	0	0	0	0	0	0	0	0	0
Improper Procedure	3	3	1	0	0	0	2	0	0	0	0
Improper Eviction	0	0	0	0	0	0	0	0	0	0	0
Improper Citation	0	0	0	0	0	0	0	0	0	0	0
Total Allegations	15	3	1	3	0	4	7	5	3	0	0

2023 Police Accountability Board Statistics

Complaints

	Complaints Closed	Sustained		Not Sustained		Exonerated		Unfounded		Admin. Closure	
		PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD
Complaints	20	4	0	1	1	2	2	1	5	12	1

Allegations

	Allegations Closed	Sustained		Not Sustained		Exonerated		Unfounded		Admin. Closure	
		PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD
Improper Use of	12	0	0	0	0	2	0	2	4	8	0
Discourtesy	23	1	0	0	0	2	0	3	9	17	0
Improper Search	3	0	0	0	0	0	1	1	0	2	0
Improper Arrest	7	0	0	1	0	2	1	0	2	4	0
Inadequate Investigation	19	1	0	1	1	0	3	3	4	14	0
Improper Detention	12	0	0	3	0	2	1	1	2	6	1
Discrimination	9	1	0	1	0	0	0	2	5	5	0
Harassment	5	1	0	0	0	0	0	2	2	2	1
Improper Procedure	16	1	0	0	0	6	1	1	8	8	0
Improper Citation	3	0	0	0	0	1	0	0	1	2	0
Total Allegations	109	5	0	6	1	15	7	15	37	67	2

APPENDIX 5: 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.**

¹ Berkeley Charter Section 125(16)(b) mandates that the DPA prepare an annual report for public dissemination. During the October 25, 2023 Regular Meeting of the PAB, the ODPa presented a biannual report to the board covering 2021–2022. This marked the inaugural

completion of the report under the new oversight structure, hence the inclusion of a 2-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 its production. Despite these challenges, the board and the office worked diligently on oversight matters in the city, which required addressing numerous critical issues. Because of the timing of the ODPa's presentation of a biannual report to the PAB, the board expressed the desire to incorporate additional information from 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 3-year period of the board's existence (2021–2023) is presented to the council with this report.

Communications – May 14, 2024 Special Meeting

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.

Item #1: Annual Report: Police Accountability Board and Office of the Director of Police Accountability

1. Office of the Director of Police Accountability

Benado, Tony

From: Office of the Director of Public Accountability
Sent: Monday, April 29, 2024 4:49 PM
To: All Council
Cc: Williams-Ridley, Dee; Louis, Jennifer A.; Brown, Farimah F.; Aguilar, Hansel
Subject: 2021-2023 PAB-ODPA Triennial Report
Attachments: PAB-ODPA 2021-2023-Triennial-Report_FINAL.pdf

Honorable Mayor Arreguín and Members of the City Council,

We hope this communication finds you all well.

Pursuant to Berkeley City Charter Section 125(16)(b), the Berkeley Police Accountability Board (PAB) and the Office of the Director of Police Accountability (ODPA) present this comprehensive triennial report, offering a transparent and insightful overview of the PAB's activities and the Berkeley Police Department's (BPD) operations from 2021 through 2023.

We kindly request the opportunity to present this report to the City Council and the Berkeley Community during a Special Session scheduled for May 14th. Please be advised that during its Special Meeting on April 24, 2024, the PAB approved its report on the progress of the BPD's Fair and Impartial Policing Implementation. The final version of this report will also be forwarded to you for your consideration.

Best regards,

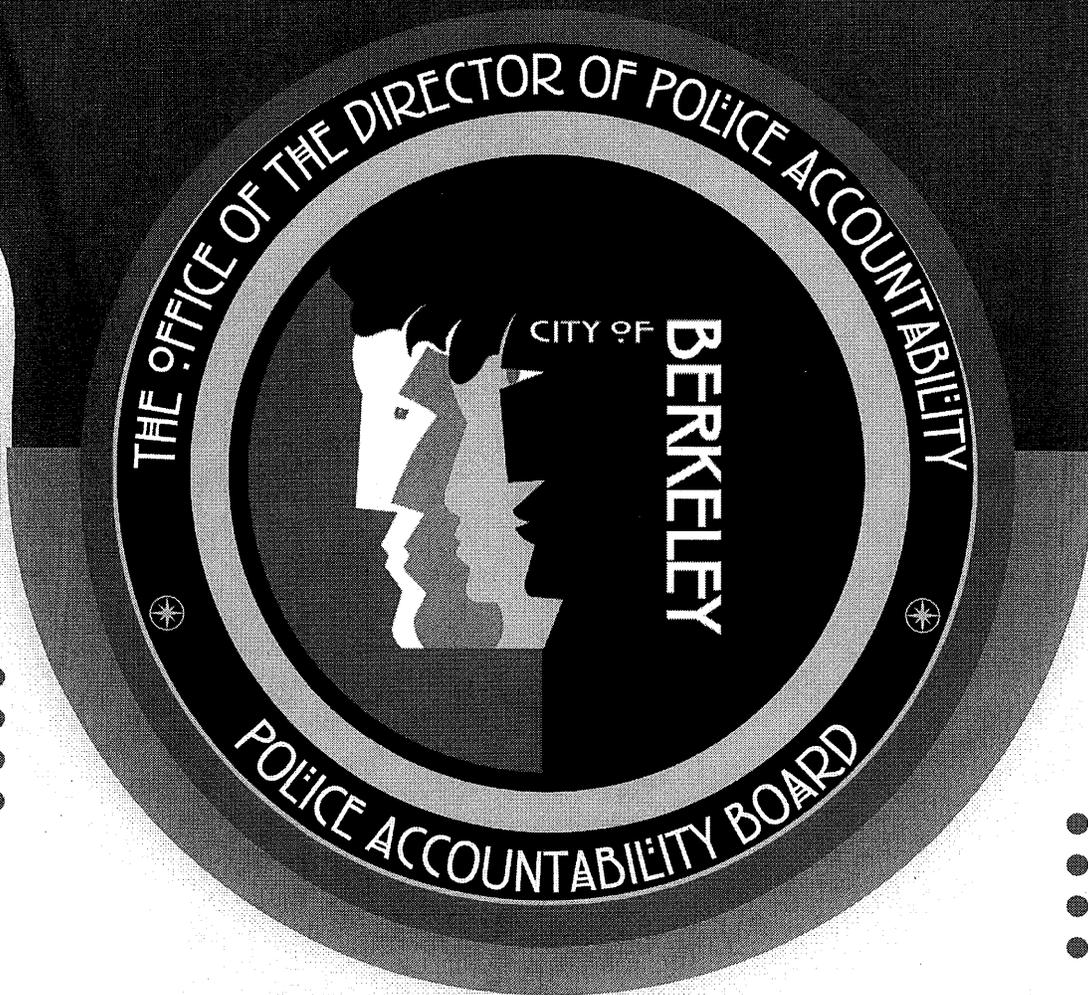
Office of the Director of Police Accountability
 2020 Milvia Street, Ste. 250*
 Berkeley, CA 94704
 (510) 981-4950

*The ODPA has temporarily relocated to this location. Mail can still be received at 1947 Center Street, 5th Floor, Berkeley, CA 94704

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2021 - 2023

TRIENNIAL REPORT



Prepared by

THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY
Approved by the Police Accountability Board on April 17, 2024

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 2020 Milvia Street, Ste. 250



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CITY COUNCIL

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Terry Taplin, District 2
Ben Bartlett, District 3
Vacant, District 4

Sophie Hahn, District 5
Susan Wengraf, District 6
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Mark Humbert, District 8

City Manager

Bedwendolyn Deshawn
Williams-Ridley

Berkeley Police Department

Jennifer Louis, Chief of Police

City Attorney

Farimah Brown

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
Lucky, Therapy Animal

Table of Contents

MESSAGE FROM THE CHAIR OF THE POLICE ACCOUNTABILITY BOARD	1
MESSAGE FROM THE DIRECTOR OF POLICE ACCOUNTABILITY	2
EXECUTIVE SUMMARY	3
Key Observations	4
BACKGROUND AND OVERVIEW	5
OVERVIEW OF THE POLICE ACCOUNTABILITY BOARD AND THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY	5
BOARD ACTIVITIES	6
Public Engagement	7
PERSONNEL AND POLICY COMPLAINTS	11
Investigative Processes and Procedures	11
Filing a complaint	11
Investigative procedures	12
Hearing procedures	13
Summary of number, type, and disposition of complaints filed with the board	14
Summary of number, type, and disposition of complaints filed with the police department by members of the public	17
Complaint dispositions	18
Policies, Practices, and Procedures	20
Self-initiated policy work	20
Policy subcommittees	20
Impact of the PAB's advisory role	21
BERKELEY POLICE DEPARTMENT ACTIVITY	22
BPD Stop Data Analysis	22
Demographics of the Individuals Being Stopped	24
Reason for the Stop	26
Disposition of Stops	27
Location of Stops	29
Trends and Patterns Regarding Use of Force	30
Officer-Involved Shootings	32
OBSTACLES, SETBACKS, AND BARRIERS TO CIVILIAN OVERSIGHT IN BERKELEY	33
CONCLUSION AND RECOMMENDATIONS	36
GUIDING DOCUMENTS AND AUTHORITY	38
APPENDICES	39
APPENDIX 1. MEET THE POLICE ACCOUNTABILITY BOARD	39

APPENDIX 2. MEET THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY 40
APPENDIX 3. COMPLAINTS SUMMARY TABLE FOR 2021–2022 41
APPENDIX 4: ODPA STATISTICS 2021–2023 66
APPENDIX 5: BPD IA STATISTICS 2021–2023 69

MESSAGE FROM THE CHAIR OF THE POLICE ACCOUNTABILITY BOARD

To the City and Community of Berkeley,

The Berkeley Police Accountability Board (PAB) presents its 2021–2023 Triennial 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 2024 as they pertain to providing effective accountability and transparency to our community.

For the fledgling PAB, 2021 through 2023 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 members have been evolving in their roles. With staff support, our mandate with the police department, the police union, and the city government has taken shape.

The transition from the Police Review Commission (PRC) to the PAB is complete. From 2021 to the present, the PAB was provided independent support from the newly established Office of the Director of Police Accountability (ODPA). The new director, Hansel Aguilar, has employed expert support staff and secured additional funding. In November 21, 2022, the PAB completed and shared our proposed permanent regulations with the City Attorney's Office, Berkeley Police, and the Berkeley Police Association. These proposed regulations are now going through the meet-and-confer process before they are sent to the Berkeley City Council for final approval.

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 past year working 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 2024, PAB is seeking 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 ODPA fully staffed. In 2024, 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.

Best regards,



John "Chip" Moore
Chair of the Police Accountability Board

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 only the activities and developments within the Office of the Director of Police Accountability (ODPA) and the Police Accountability Board (PAB) but also our collective aspiration for a community-centric model of policing that champions the highest standards of integrity and fairness.

The journey of the past 2.5 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 PAB guidance 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 seen 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 only maintain but also 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 aware of the obstacles that lie ahead. This report candidly discusses areas in need of 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. This belief will guide our efforts as we strive toward a future where justice, dignity, and respect are the hallmarks of every police encounter.

In unity,



Hansel A. Aguilar
Director of Police Accountability

EXECUTIVE SUMMARY

The Berkeley Police Accountability Board (PAB) and the Office of the Director of Police Accountability (ODPA) presents this comprehensive triennial report,¹ offering a transparent and insightful overview of the Board's activities and the Berkeley Police Department's (BPD) operations from 2021 through 2023. Despite challenges, including vacancies and transitioning from the Police Review Commission to the PAB, the PAB made substantial progress in reinforcing oversight and upholding accountability and trust within the community.

The PAB, fortified by the dedicated efforts of the 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.

Aligned with the guidelines outlined in the city charter, this report thoroughly examines various aspects of police activities in Berkeley, ranging from personnel complaints to the analysis of use of force data. By doing so, it offers a comprehensive overview of law enforcement interactions within the community. In line with our dedication to addressing racial disparities and disproportionalities, the demographic data on stops, citations, arrests, and use of force serve as a foundation for our commitment. Additionally, innovative initiatives such as our partnership with Sivil Technologies Inc. and the introduction of an animal-assisted intervention program exemplify the Board's and ODPA's pioneering approach to police oversight methods.

In recognizing the diverse perspectives and outcomes presented by the PAB, the chief of police, and the city manager (CM) regarding complaint dispositions, the report underscores the imperative of a unified approach to bolster civilian oversight. It calls upon us all to collectively embrace these findings and recommendations, thereby ensuring the establishment of a fair, transparent, and accountable policing model that serves the needs of every Berkeley resident.

Key Observations

- **Advisory impact in personnel complaints:** Regarding personnel complaint investigations, no instances were found in which a PAB decision influenced either the chief's initial findings or the final decision made by the CM.
- **Policies, practices, and procedures:** The council, CM, and BPD demonstrated partial interest¹ in adopting recommendations sent by the PAB.
- **Overstrain and understaffing:** During its infancy, the PAB saw considerable turnover for various reasons. This impacted many of its operations and activities. Similarly, the ODPa staff has been attempting to fill vacancies throughout the period of review in the challenging context of the city's hiring and retention crisis.
- **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, including delayed access to information, services, records, and assistance from various city departments.
- **Building infrastructure:** The PAB and ODPa require appropriate resources to accomplish the ambitious goals as described in the city charter. To that end, the ODPa has been prioritizing procuring technological tools and resources to enhance office capabilities and interfacing with various stakeholders.
- **Outreach and community involvement:** Throughout the review period, the PAB and ODPa participated in certain engagement activities; however, they acknowledge the necessity for a more comprehensive and enduring outreach program.
- Although not novel, one of the key observations in reviewing BPD activities during the period in question is 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

¹ Key decisions made by the council during this period included the appointment of a permanent chief of police amid reports that the top candidate was under active investigation; the expansion of the city's surveillance program notwithstanding the objections and concerns expressed by the PAB; and the BPD delay in amending policies that would facilitate greater access for the community and the PAB, thereby enhancing oversight and transparency.

accountability mechanism. This mechanism exists to monitor and advise the department and the city as a whole on adapting and improving its policies, practices, and procedures to reduce and eliminate racial disparities and disproportionalities in policing.

Recommendations for the Council, CM, and People of Berkeley

- 1. Enhance collaborative efforts**
- 2. Finalize regulations for handling complaints**
- 3. Ensure full staffing**
- 4. Clarify protocols**
- 5. Amplify community voices**
- 6. Monitor and assess**
- 7. Support oversight infrastructure**

BACKGROUND AND OVERVIEW

Mandated by Berkeley Charter Section 125(16)(b), this report analyzes PAB, ODPa and BPD operations from July 2021 to December 2023.² Contents include:

- complaint summaries;
- policy evaluations;
- disciplinary actions; and
- trends in law enforcement activities.

OVERVIEW OF THE POLICE ACCOUNTABILITY BOARD AND THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY

The PAB and ODPa collaborate to independently oversee the BPD. The PAB, comprising nine members chosen by the mayor and the city council, advises the city council, the CM, and the public on police department operations. Outlined in Berkeley City Charter Section 125(3)(a)(1), the PAB's powers include the following:

² The Board and the role of the Director were created with the passage of Measure II, amending the City Charter, in November 2020. We became operational in July 2021. The Police Accountability Board and Office of the Director of Police Accountability replace the former Police Review Commission, established in 1973. The new structure is a modernization and an expansion of tools for meaningful civilian oversight of the police in the 21st century.

- (1) To advise and make recommendations to the public, city council, and CM regarding the operation of the BPD, including all written policies, practices, and procedures in relation to the BPD;
- (2) Review and recommend 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 BPD and all other local, state, and federal law enforcement, intelligence, and military agencies or private security organizations;
- (3) To receive and consider the findings and recommendations of the Director of Police Accountability regarding complaints filed by members of the public against sworn employees of the police department and to recommend if discipline is warranted when misconduct is found and, pursuant to Section 18, the level of discipline for sustained findings of misconduct;
- (4) To participate in the hiring of the chief of police as set forth in Section 22;
- (5) To access records of city departments, compel attendance of sworn employees of the police department, and exercise the power of subpoena as necessary to carry out its functions;
- (6) To adopt rules and regulations necessary for the conduct of its business; and
- (7) Any other powers and duties as the city council may assign it by ordinance.

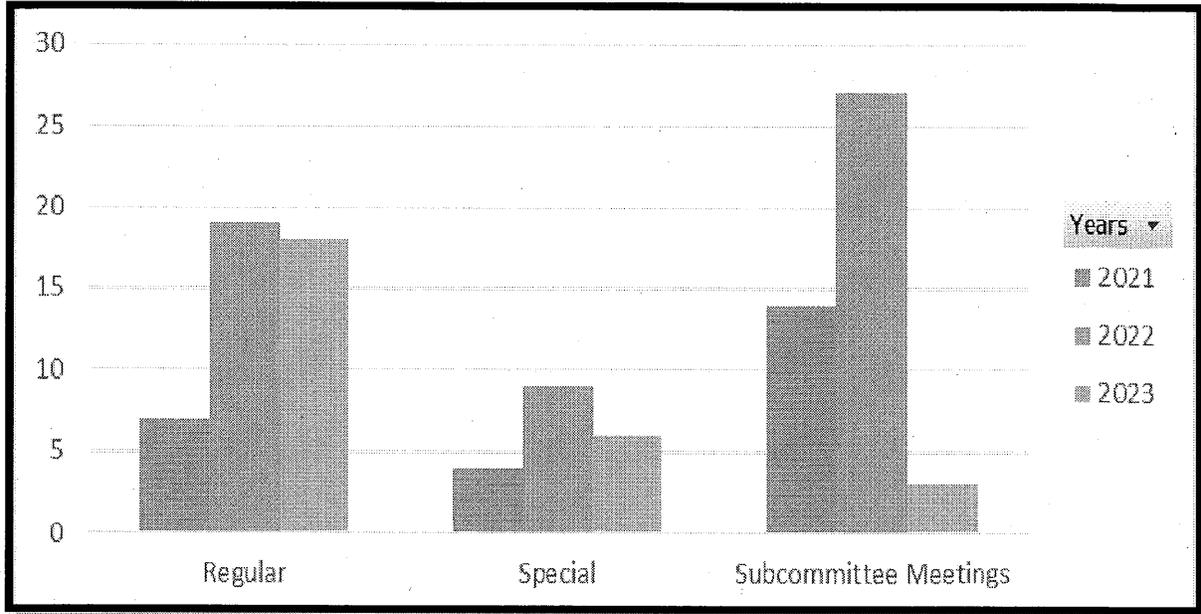
The ODPa supports the PAB's functions as outlined in the City Charter Section 125(14).

BOARD ACTIVITIES

Per Berkeley Charter Section 125(13)(a), the board must schedule at least eighteen (18) regular meetings each calendar year. In addition to these regular meetings, the board has engaged in various subcommittee meetings and special meetings called to address time-sensitive matters. In its 30 months of operation, the PAB has held 107 meetings for a total of 263 working hours.³ See Figure 1 for an overview.

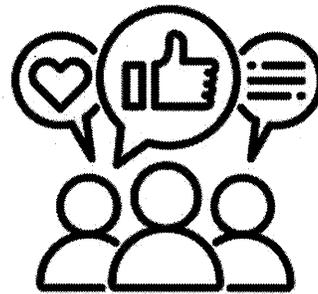
³ The PAB has been in operation since July of 2021. The working hours noted do not include any individual time spent by board members reviewing or editing material prior to scheduled meetings, completing required training hours, or participating in complaint hearings.

Figure 1
Number of PAB Meetings



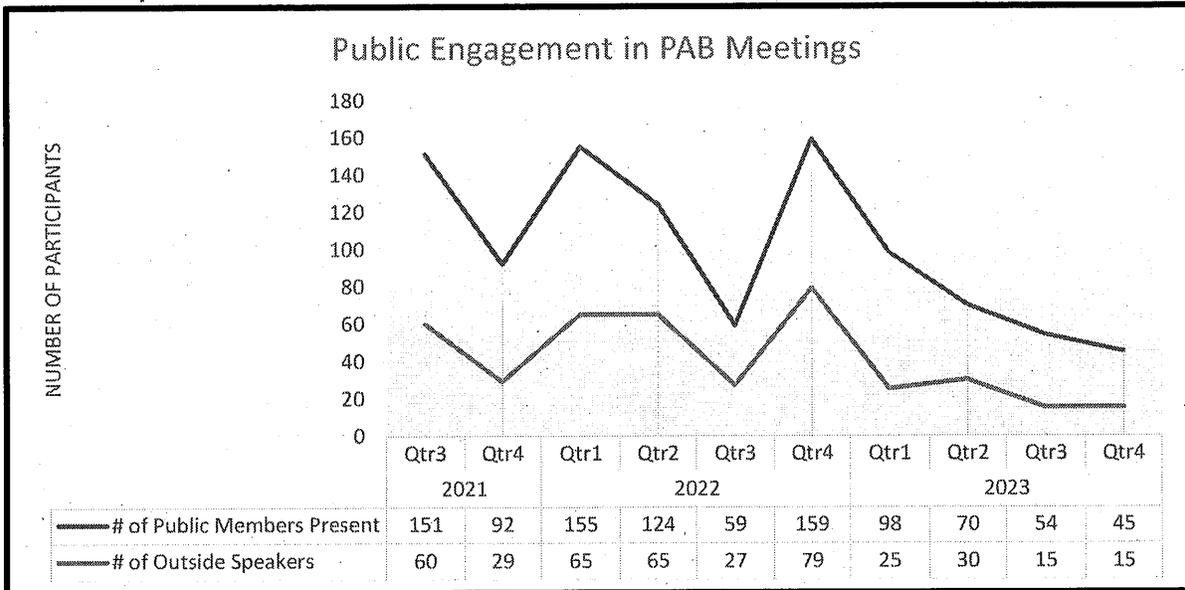
Public Engagement

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 has gained insights into public engagement effectiveness, which has informed the creation of a strategic communication and outreach plan. For this report, “public engagement”⁴ is analyzed quantitatively through the number of individuals present at PAB meetings (see Figure 2) and the average time spent in the meetings (see Figure 3).



⁴ During the review period, which coincided with the COVID-19 pandemic and virtual-meeting protocols, the ODPa mainly measured “public engagement” through Zoom attendance logs. The ODPa is currently working on systematizing recordkeeping of participation in hybrid environments.

Figure 2
Public Participation

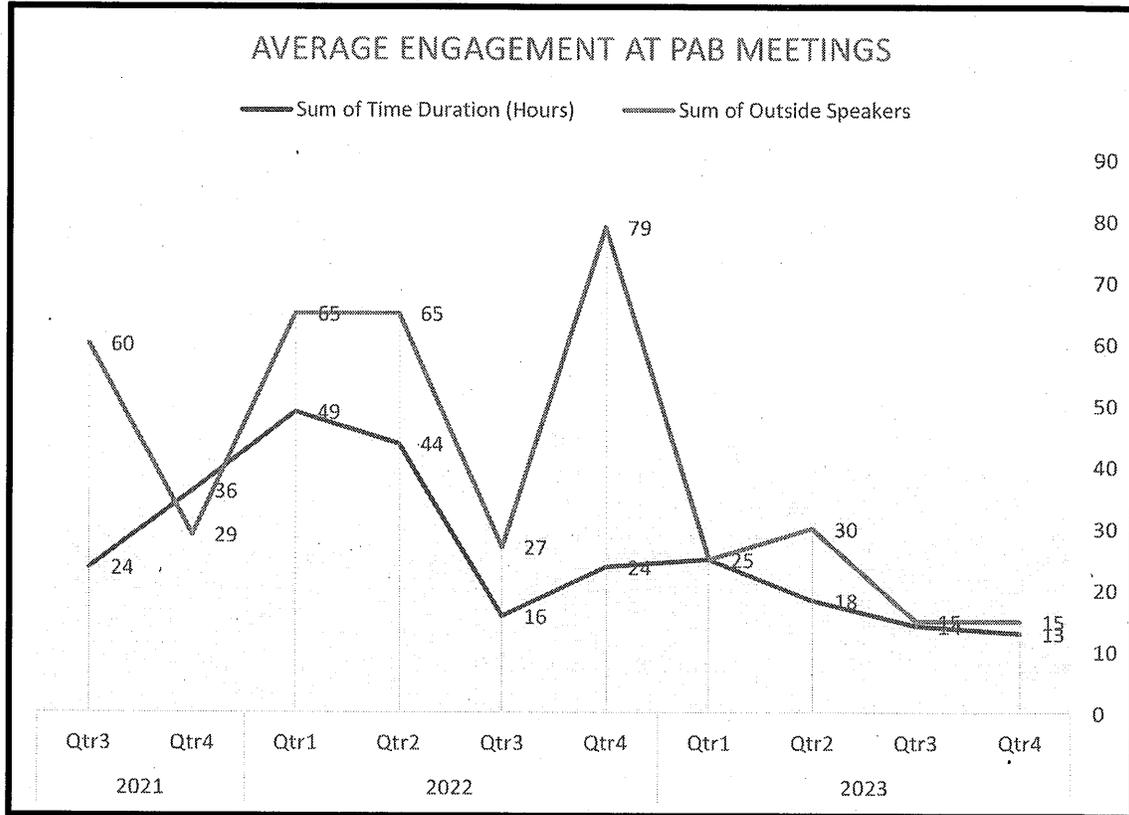


As shown in Figure 2, the numbers of participants (i.e., Public Members Present) and contributors to the public comment section (i.e., Outside Speakers) have declined throughout the review period. Although neither the PAB nor the ODPa can provide definitive explanations for this without systematically surveying the participants, there are various logical explanations for these varying levels of engagement.⁵ Factors such as individual outreach efforts, network discussions, and media coverage may influence attendance.



⁵ The Institute for Local Government has provided some advice on promoting engagement. For more details, 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 shows 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 BPD.

In addition to these activities, the PAB and ODPa hosted or participated in a few outreach or engagement events that took place either virtually or in person, including the following:

Virtual Community Discussions

EVENT NAME	YEAR
Friends of Adeline Community Meeting	2022
Community Input Session on 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

EVENT NAME	YEAR
Career Fair at Leadership Public Schools – Hayward	2023
Informational Workshop: Police Accountability and Your Rights in Berkeley at Hope Center <ul style="list-style-type: none"> • Learn about Berkeley's police accountability system and community resources. • Learn about rights & responsibilities during police encounters 	2023
Discussion with Law & Social Justice Pathway Program Students at Berkeley High School	2023
UC Berkeley DeCal Course Guest Speakers: <ul style="list-style-type: none"> • People's Investigations and Campaigns • the Police Accountability Board • Policy vs. Misconduct Complaints • Data Organization • Access to Records 	2023
Participation in the Berkeley Juneteenth Festival	2022– 2023

Analysis of meeting attendance data from Figures 2 and 3 reveals significant trends. Remote PAB meetings attract higher viewer participation, particularly during events of substantial public interest. This underscores the importance of specific topics in driving public engagement. However, understanding these patterns has limitations; data collection does not capture participants' awareness, sources, or motivations beyond general topical interest. 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 BPD.

The work of the ODPA data analyst⁶ will be crucial to systematically track and interpret attendance trends and broader public engagement. Future analysis will include conducting post-Zoom surveys and focus groups as well as employing 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 and improved

⁶ This key position has been vacant throughout the review period. The ODPA has been collaborating with human resources personnel to fill this position.

understanding, fostering 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”⁷ devices to enhance the hybrid experience and ensure accessibility for all stakeholders.

PERSONNEL AND POLICY COMPLAINTS⁸

Investigative Processes and Procedures

Berkeley Charter Section 125(18) and Interim Regulations for Handling Complaints Against Sworn Officers of the Police Department (Interim Regulations) outline the PAB and ODP's investigative processes and procedures. The Berkeley City Council approved the Interim Regulations on October 5, 2021, and the PAB finalized their proposed permanent regulations on November 21, 2022. The final regulations are still undergoing the meet-and-confer process and have not yet been presented to the Council for approval.

Filing a complaint

Under the Interim Regulations, only aggrieved parties, as well as eyewitnesses (percipient witnesses) or their representative,⁹ may file a complaint alleging police misconduct. Complaints must be filed within 180 days¹⁰ of the alleged misconduct, except when a tolling exception applies. Tolling may apply when the complainant is incapacitated or otherwise prevented from filing a complaint or if the complainant is subject to a criminal proceeding related to the matter of the complaint. When filing a complaint, the complainant has the option of choosing mediation instead of an investigation.

⁷ For more information about this device and how other organizations have used it, consider visiting <https://resources.owllabs.com/case-studies/tag/business>.

⁸ Policy reviews initiated by the PAB without a complaint are not included.

⁹ Complainants may represent themselves or obtain a representative, but one is not required (Right to Representation is established in Section II.A.5 of the Interim Regulations). Law students participating in UC Berkeley School of Law's Police Review Project (PRP) have been assisting community members in navigating the complaint process. To learn more about the PRP, please visit: <https://www.law.berkeley.edu/experiential/pro-bono-program/slps/current-slps-projects/police-review-project/-:text=The%20Police%20Review%20Project%20%28PRP%29%20focuses%20on%20supporting,within%20PRP%20that%20work%20to%20achieve%20these%20goals>.

¹⁰ The filing period is outlined in Section II.A.3 of the Interim Regulations.

Upon receipt of a complete complaint form, the Director of Police Accountability screens the complaint for sufficiency. A notice of complaint and allegations is then issued to the subject officers within ten (10) days, and an investigation begins. Complaints that do not allege *prima facie* misconduct, or are frivolous or retaliatory, are submitted by the Director to the PAB for administrative closure.

Investigative procedures

Section II.C.1 of the Interim Regulations, consistent with the city charter, indicates that the time limit for completion of an investigation is one hundred and twenty (120) days¹¹ from the time of the city's discovery by a person authorized to initiate an investigation into the alleged misconduct. During this time, ODP staff undertakes a timely, thorough complete, objective, and fair investigation.¹² The investigative process may include any of the following:

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

Upon completion of the investigation, the director provides the PAB with a Findings & Recommendations Report in which recommendations for each allegation are provided. The board then considers whether to accept the director's recommendations or proceed to a hearing. If the findings and recommendations are accepted, the director forwards their report to the chief of police who then decides whether or not they agree with the level of discipline recommended, if any. If the chief of police agrees with

¹¹ Section II.C.1.b of the Interim Regulations allow for a longer time period for the investigation, not to exceed 195 days.

¹² The standards of the investigation are set forth in Section 125(14)(f) of the City Charter.

the director and PAB, the chief issues a final decision. If the chief disagrees with the recommendation, they send their tentative decision to the director, who may decide to take no further action at that time or request that the CM review the case for a final decision.

Hearing procedures

A limited number of personnel complaints proceed to the hearing stage. Hearings are held if the PAB decides that further fact-finding is needed after considering the ODPA's findings and recommendations. A hearing panel, comprising three board members, is responsible for conducting hearings. These personnel hearings are not open to the public.¹³ Beyond the complainant and the subject officer, only the director and staff investigator attend, as well as the duty command officer. The Interim Regulations mandate¹⁴ the presence of both the complainant and the subject officer to address the questions posed by board members.

The hearing process involves separate testimonies in the hearing room, with the complainant and civilian witnesses testifying first, while the subject officers and their representatives are allowed to be present. Questioning follows a specific sequence, with board members initiating the questioning, followed by the subject officer or their representative, and concluding with follow-up questions from the board members. Subsequently, the complainant or their representative is afforded time to deliver a case summary and closing statement.

Upon completion of their testimony, the complainant and civilian witnesses are excused from the hearing room. Subsequently, the subject officers and any witness officers are called to testify separately, with the presence of subject officer representatives being permissible.¹⁵ After the conclusion of testimony, the members assigned to a hearing panel deliberate and vote on each of the allegations. Their finding is then forwarded to the chief of police.

Section 125(16)(b)(1) of the Berkeley City Charter mandates that the Director of Police Accountability include within this report a summary of the number, type, and

¹³ Per Section I.B.3 of the Interim Regulations.

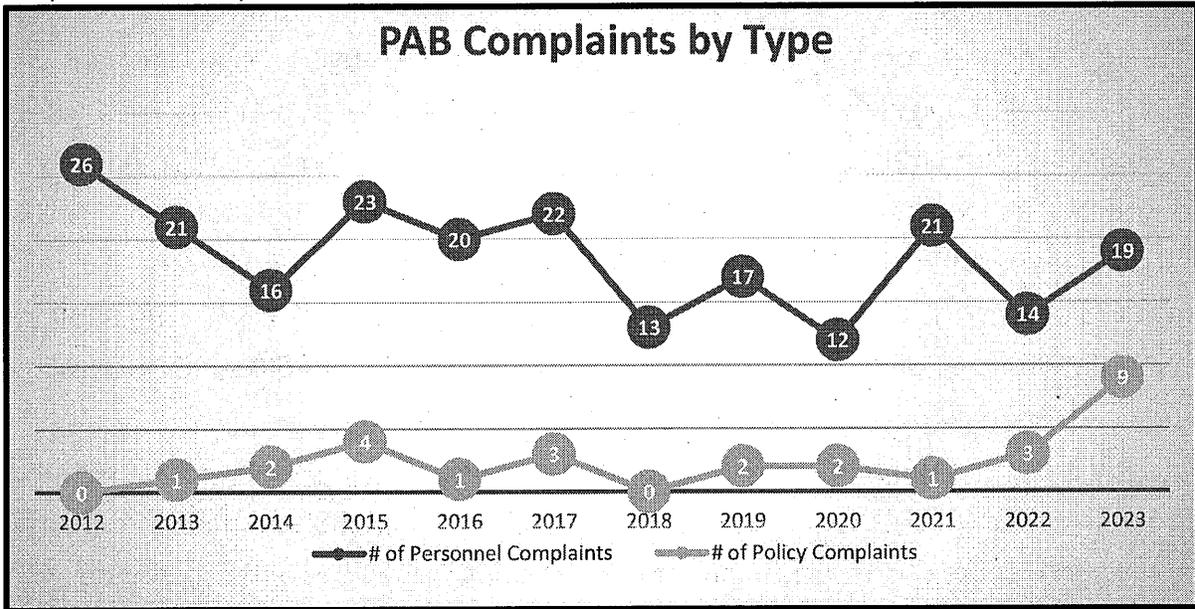
¹⁴ Ibid.

¹⁵ The PAB's proposed permanent regulations suggest a different procedure to make the hearing process more equitable.

disposition of complaints filed with the PAB and BPD, the policy complaint undertaken, and other such information that the PAB or city council has requested.

Summary of number, type, and disposition of complaints filed with the board

Figure 4
Complaints Received by PAB



During the reporting period, the ODPa recorded fifty-two (52) complaints, averaging approximately 18 complaints annually—sixteen (16) in 2021, seventeen (17) in 2022, and nineteen (19) in 2023. This rate aligns closely with the average complaint count of 18.5 observed since 2012, as depicted in Figure 4. Of those 52 personnel complaints, 30¹⁶ complaints were closed by December 31, 2023. In total, 151 individual



¹⁶ Three administrative closures were omitted from this dataset because complainants alleged a totality of facts that seemed implausible, frivolous, or both, thus rendering them not subject to investigation. Additionally, one case was excluded because it was resolved through mediation.

allegations were investigated by the ODPa as depicted in Figure 5.

Figure 5
2021–2023 Police Accountability Board Complaint Disposition Statistics¹⁷

2021- 2023 Police Accountability Board Statistics											
Complaints											
	Complaints Closed	Sustained		Not Sustained		Exonerated		Unfounded		Admin. Closure	
		PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD
Complaints	30	11	2	1	2	4	3	2	9	12	1
Allegations											
	Allegations Closed	Sustained		Not Sustained		Exonerated		Unfounded		Admin. Closure	
		PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD
Improper Use of Force	14	0	0	0	0	2	0	4	6	8	0
Discourtesy	28	2	0	1	0	2	0	6	14	17	0
Improper Search	11	4	0	3	0	0	2	2	1	2	0
Improper Arrest	8	0	0	2	0	2	2	0	2	4	0
Inadequate Investigation	27	4	0	1	1	2	5	6	8	14	0
Improper Detention	15	0	0	4	0	4	2	1	2	6	1
Discrimination	10	1	0	2	0	0	1	2	5	5	0
Harassment	5	1	0	0	0	0	0	2	2	2	1
Improper Procedure	26	5	1	1	1	6	3	6	14	8	0
Improper Eviction	4	4	3	0	1	0	0	0	0	0	0
Improper Citation	3	0	0	0	0	1	0	0	1	2	0
Total Allegations	151	21	4	14	3	19	15	29	55	68	2
<small>Note(s): Three administrative closures were omitted from this dataset because complainants alleged a totality of facts that seemed implausible, frivolous, or both, thus rendering them not subject to investigation. Additionally, one case was excluded as it was resolved through mediation.</small>											

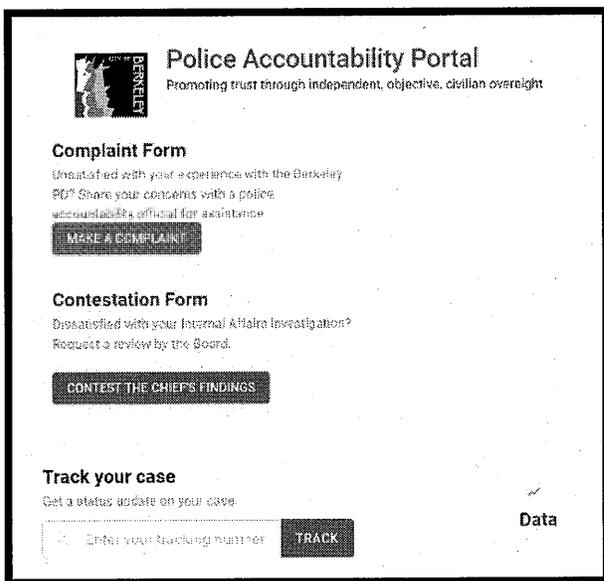
Also noted in Figure 4 is the number of complaints received regarding policies, practices, and procedures (which the PAB refers to as “Policy Complaints”). Compared to personnel complaints, policy complaints represent a much lower total: one (1) complaint in 2021, three (3) complaints in 2022, and nine (9) complaints in 2023. These complaints nonetheless contribute to the ongoing work of addressing systemic issues, which 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 BPD.

It is important to note that although the City of Berkeley may be a relatively “low complaint” jurisdiction, understanding the reasons that motivate individuals to file

¹⁷ Refer to Appendix 3 for the data pertaining to each specific year.

complaints—or not to file complaints—is challenging. On a national level, according to the findings of the most recent U.S. Department of Justice's Police–Public Contact Survey, about 1% of U.S. residents reported that police behaved improperly. Without replicating such a rigorous, generalizable survey, the “true pulse” of community sentiment toward local law enforcement, or perceptions of police interactions, is 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 a QR code that includes 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.

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 software system for complaints and compliments. 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 investigations,¹⁸ and submit service-improvement recommendations, this software system aims to streamline communication among the community, the ODPa,

¹⁸ 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.

and the BPD. Furthermore, the inclusion of an online data dashboard will provide stakeholders with real-time access to complaints and compliments received, fulfilling the city's commitment to fostering a transparent and accountable law enforcement atmosphere.

Summary of number, type, and disposition of complaints filed with the police department by members of the public

Notably, “Discourtesy” and “Inadequate Investigation” have remained prevalent concerns throughout the years...

Analysis of the BPD's Internal Affairs Bureau statistics across 3 years, as shown in Figure 6, 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, whereas in 2022, one hundred forty-two (142) allegations were made in twenty-four (24) 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 comprising a consistent number of active complaints. However, no sustained allegations were recorded for “Improper Detention

(Jail)” and “Discrimination” in any of the 3 years, suggesting that these particular concerns were unfounded or resolved without disciplinary action.

Figure 6
2021–2023 BPD Allegation Data¹⁹

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
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 inconsistent decisions across the PAB, the chief of police, and the CM. Procedurally,²⁰ upon completion of the investigation, the director will provide the PAB with a Findings & Recommendations Report wherein 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 whether they agree with the level of

“An analysis of police misconduct complaint data has highlighted inconsistent decisions across the PAB, the chief of police, and the CM.

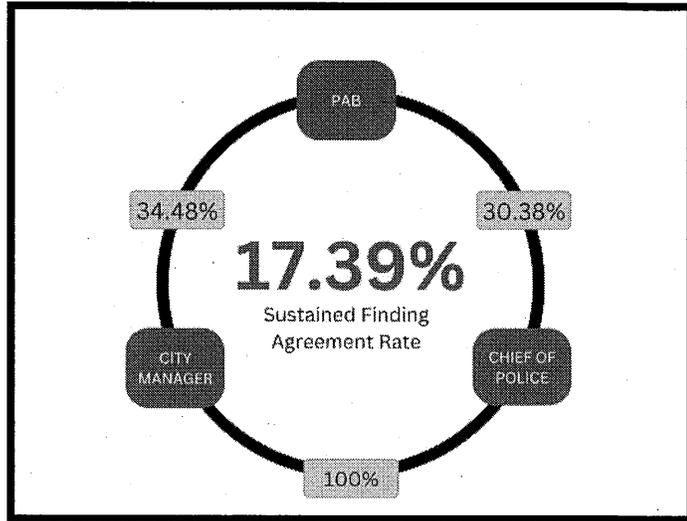
¹⁹ Refer to Appendix 4 for the data pertaining to each specific year.

²⁰ The full procedure of complaints filed with the director of police accountability can be found in Charter Section 125(18).

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 CM review the case.

The agreement rate—an essential measure of the decision-making process—has been a focal point of our review. For the period covered by this report, we examined a total of 79 allegations, 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 complete alignment in findings, whereas the PAB and CM only agreed 34.48% of the time.²¹ See Figure 7.

Figure 7 Allegation Disposition Agreement Rates



A critical finding of this period reveals that of the 79 allegations reviewed by the PAB and the BPD, 23 were recommended to be sustained by the PAB. However, for those 23 allegations, the BPD, the CM, or both only sustained four: a sustained finding agreement rate of 17.39%. Of the other 19 allegations sustained by the PAB, the chief did not agree with the board, and the CM agreed with the chief 100% of the time. This significant discrepancy between PAB findings and the chief and CM's findings, in which they sustain an allegation, is of concern. Such a disparity in findings raises questions about differing standards or interpretations applied to the cases and warrants further examination to enhance the coherence and effectiveness of police oversight. Understanding the underlying causes of disagreements between the PAB and the chief and the CM is

²¹As calculated in this report, the agreement rate is determined by dividing the count of agreements between the PAB and chief of police by the total number of allegations examined. This figure is then transformed into a percentage by multiplying it by 100. There were 79 allegations reviewed by the PAB and the chief, but only 29 were requested for final review by the CM.

essential. Addressing these differences is key to achieving the ODPa's objective 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 consistent and just outcomes.

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 the evidence. This finding underscores the rigorous evidentiary standards applied by the PAB and emphasizes the complex nature of substantiating such allegations.

Policies, Practices, and Procedures

Self-initiated policy work

One key responsibility of the PAB is to provide advice and make recommendations to the public, city council, and CM on the operations of the department, including written policies, practices, and procedures. In addition, the board is responsible for reviewing and recommending city council approval of all agreements, letters, memoranda of understanding, or policies that express terms and conditions of mutual aid, information sharing, cooperation, and assistance between the BPD 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 can provide effective oversight of the department and promote transparency and accountability in its operations.

Policy subcommittees

Between 2021 and 2023, the PAB established eighteen (18) subcommittees. Of these, seven have been dissolved, leaving eleven currently active. Of these eleven, six are dedicated to policy matters. The subcommittees formed by the board are as follows:

Name of Subcommittee	Date of Establishment	Dissolved
Regulations	7/7/2021	N/A
Fair & Impartial Policing Implementation	8/4/2021	N/A

Director of Police Accountability Search	8/4/2021	10/12/2022
Mental Health Response	11/10/2021	6/7/2023
Fixed Surveillance Cameras	2/9/2022	6/7/2023
PAB Budget Review	2/23/2022	N/A
Controlled Equipment Use and Reporting	5/11/2022	6/7/2023
Chief of Police Selection Process	9/30/2022	6/7/2023
Drone Use Policy	11/9/2022	6/7/2023
Policies and Practices Relating to Downtown Task Force and Bike Unit Allegations	11/15/2022	N/A
Body-Worn Camera Policy	3/15/2023	N/A
Conflict of Interest	3/28/2023	N/A
Charter Section 125 Review	4/26/2023	6/7/2023
Surveillance Technology Policy	6/7/2023	N/A
Lexipol Review	11/8/2023	N/A
Commendations	11/8/2023	N/A
Off-Duty Conduct	11/8/2023	N/A
Budget & Metrics	11/8/2023	N/A

Impact of the PAB's advisory role

In the reporting period, the city council made several pivotal decisions that significantly impact our oversight and governance landscape. Notably, the council appointed a new permanent chief of police amid ongoing investigations involving the top candidate. Additionally, the council approved the expansion of the city's surveillance program, which included the adoption of ALPR technology and the installation of fixed surveillance cameras throughout the city. This expansion occurred despite notable objections from the PAB, which raised concerns regarding the balance between enhancing security and protecting privacy. Furthermore, there has been a notable delay by the BPD in revising policies aimed at improving accessibility and transparency. These amendments are crucial for enhancing the ability of both the community and the PAB to engage more effectively in police oversight. The ODPA and PAB continues to monitor these developments closely, advocating for improvements that align with our commitment to fostering an environment of transparent and accountable policing.

BERKELEY POLICE DEPARTMENT ACTIVITY

Section 125(16) of the Berkeley City Charter mandates that the Director of Police Accountability include an assessment of designated activities carried out by the BPD. This assessment encompasses an examination of BPD stop data, incidents involving use of force, and officer-involved shootings.

BPD Stop Data Analysis

As previously highlighted, the content presented in this section of the report fulfills the mandate outlined 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 BPD actions. 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 and its disposition, and the location of the stop.

In conducting this review, it is important to highlight and commend the BPD for its ongoing commitment to transparency and community engagement, exemplified by its use of the [Transparency Hub](#).²² 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 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.

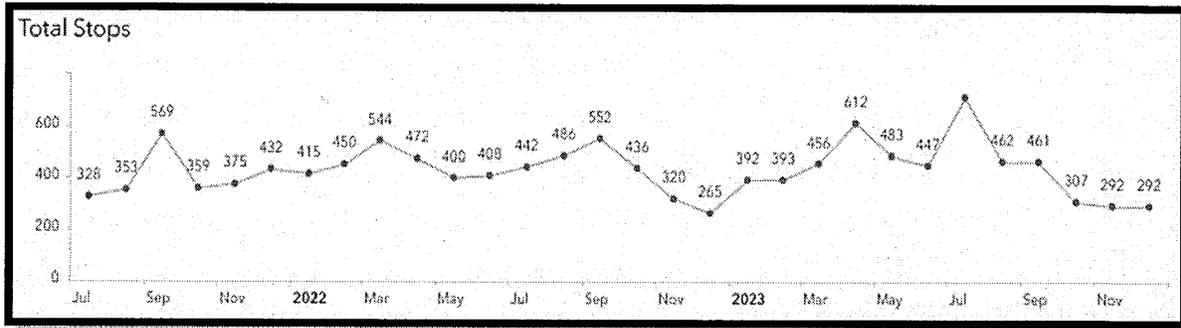
Total Stops
12,914

A detailed breakdown of these stops across different monthly intervals, as illustrated in Figure 8, displays temporal patterns or trends in policing activities. For example, an increase in stops during specific months might correlate with seasonal

²² To access stop data on the BPD Transparency Hub, visit <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/stop-data>.

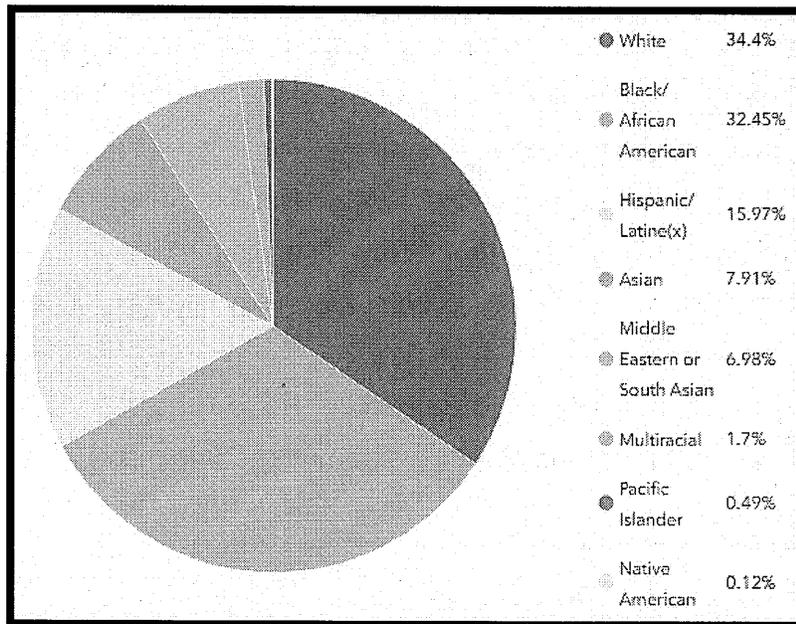
events, public holidays, or law enforcement initiatives. Conversely, a decrease in such activities could reflect changes in policing strategies, community events, or external factors affecting crime rates and police response.

Figure 8
Total Stops by BPD at Monthly Intervals 2021–2023



Given the city's population size, the number of stops equates to approximately 10.4% of the population having had an encounter with the police over the 2.5-year period. This rate of police interaction can be indicative of several factors, including the level of law enforcement engagement, community policing practices, and overall crime rate in the area.

Figure 9
Racial Distributions of BPD Stops for July 2021 to December 2023.



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 overview of the BPD's policing practices. It can also help assess the effectiveness and fairness of law enforcement activities,

contributing to discussions of police accountability and community relations.

Demographics of the Individuals Being Stopped

“White individuals, who make up a substantial portion of Berkeley’s population, accounted for 34.35% of police stops, whereas Black or African American individuals, representing a smaller demographic slice of the city, were subject to 32.45% of the stops.

A critical analysis, guided by insights from the May 2018 Center for Policing Equity report,²³ shows notable racial disparities in BPD stops (see Figure 9). For example, White individuals, who make up a substantial portion of Berkeley’s population, accounted for 34.35% of police stops, whereas Black or African American individuals, representing a smaller demographic slice of the city, 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 size.²⁴ Similarly, Hispanic or Latinx individuals, who comprised 15.97% of the stops, are

overrepresented considering their demographic proportion in the general population.

The Center for Policing Equity Report underscores the importance of such data to understand the complexities of racial disparities in policing. Specifically, as noted on page 5 of the report, the National Justice Database’s 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:

1. Disparities that arise from **community characteristics**. For example, 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 example, police may patrol some neighborhoods with less commitment to the

²³ To access the May 2018 The Science of Justice: Berkeley Police Department National Justice Database City Report, visit <https://newspack-berkeley-side-cityside.s3.amazonaws.com/wp-content/uploads/2018/05/Berkeley-Report-May-2018.pdf>

²⁴ This area has garnered attention from both the community and the board. Although population demographics serve as a relevant benchmark, it is crucial to consider the residency status of individuals with whom the police interact to ensure an accurate denominator.

dignity of those who live there. 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 example, mistrust of law enforcement may cause members of some communities to flee approaching officers or resist arrest more often than members of other communities. 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 metrics are critical for evaluating the BPD's commitment to equitable policing.

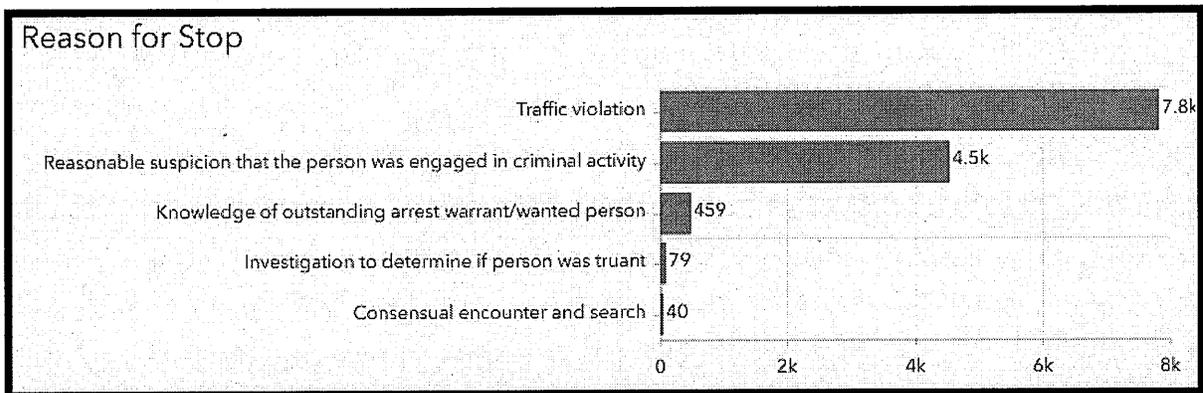
To that end, the Fair and Impartial Policing Implementation Subcommittee of the PAB is rigorously examining these statistics to move beyond the descriptive data presented in this annual report. The subcommittee's work includes a careful review of the reasons and outcomes of the stops, aiming to identify and mitigate factors contributing to observed racial disparities. This nuanced interrogation by the subcommittee aligns with the PAB and the ODPA's ongoing efforts to implement reforms that further align the 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 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 are 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 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 nondiscrimination upheld by the BPD extend

beyond the badge, reaffirming that officers represent the values of the department and the city at all times.

Altogether, the work of these subcommittees represents 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 trust between the community and law enforcement, upholding Berkeley's pioneering legacy of 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 acknowledge the importance of data-driven analysis in guiding policy reform. 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.

Reason for the Stop

Figure 10
BPD Reasons for Stops for July 2021 and December 2023



In our in-depth analysis of the reasons for police stops, we found significant variance. The data, as visualized in the bar graph in Figure 10, demonstrate that traffic violations are the predominant reason, accounting for approximately 7,800 incidents, followed by stops made on reasonable suspicion that the person was engaged in criminal activity, which number around 4,500. Far fewer stops are based on knowledge

of outstanding arrest warrants or wanted status, truancy investigations, or consensual encounters and searches.

The data, analyzed at the same level of scrutiny as the racial breakdown of stops, reveal areas that may require further policy consideration 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 close examination to ensure that such stops are justified and do not unfairly target specific communities, contributing to 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

The disposition of stops by the BPD is a significant indicator of law enforcement outcomes and their implications for community policing. In the period 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 warnings.

4,034 Citations	2,443 Arrests
592 Psychiatric Holds	4,366 Warnings

Arrests, accounting for approximately 18.9% of all stops, signify more serious encounters requiring police to take individuals into custody. This figure prompts further examination of the nature of the offenses leading to arrests to ensure that such enforcement actions are applied fairly and judiciously across all demographic groups.

“Warnings, given in approximately 33.8% of stops, suggest a discretionary practice in which officers may be using their judgment to resolve situations without formal legal action.

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 confirm their consistency with legal and departmental standards and to confirm 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 because of 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 in which 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.

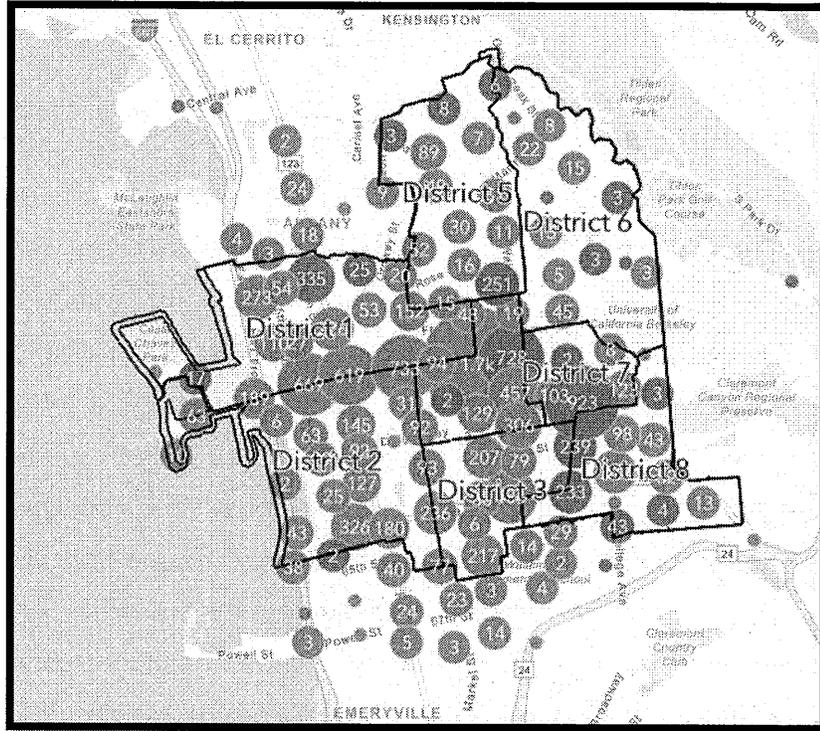
The disparity in stop outcomes along with the racial demographics of those stopped suggests areas for further policy review. As noted earlier in this report, the Fair and Impartial Policing Implementation Subcommittee is actively analyzing these dispositions to identify any implicit biases or procedural inconsistencies. The subcommittee’s work extends 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 of a policing strategy rooted in fairness and impartiality. The BPD, under the oversight of the PAB and ODPa, should 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 8 showing notably higher numbers of stops than in other areas.

Figure 11
Location of BPD Stops for July 2021 to December 2023



For example, District 2 exhibits a substantial volume of stops, suggesting a higher level of police presence and activity. This could potentially be explained by a variety of factors such as 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. They prompt 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 in Berkeley. The disparities highlighted on the map will

be considered alongside demographic data and community feedback that will 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.

Trends and Patterns Regarding Use of Force²⁵

In February 2021, the BPD transitioned from its previous use-of-force policy to a new approach prioritizing de-escalation with more stringent reporting requirements. The updated policy now includes four levels of force, with Level 1 involving uninjurious 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 as follows:

Level 1: This level involves uninjurious 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.

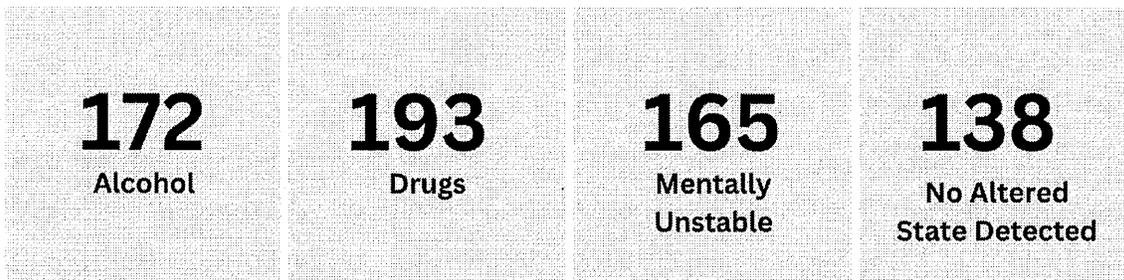
Level 2: This level of force applies when an officer points or deploys a firearm while interacting with someone. It also applies to a Level 1 force that involves more than momentary discomfort but does not result in an injury or complaint of pain.

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 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.

²⁵ 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, use-of-force incident reports 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. This policy is required to be reviewed annually by the BPD and the PAB. During the reporting period, there were 894 total incidents involving the use of force by the BPD, involving 913 subjects and 2,243 officers.



The nature of these incidents varied, with a specific number involving individuals affected by alcohol (172 incidents) or drugs (193 incidents) or identified as mentally unstable (165 incidents). However, in 138 instances, no altered state was detected, pointing toward a wide spectrum of circumstances leading to the application of force.

Demographically, the distribution of subjects involved in these use-of-force incidents was as follows: Black individuals constituted 47.04%, White individuals constituted 23.46%, and Hispanic individuals constituted 16.23%, with the remaining categories including Asian, biracial, unknown, Indian, and Native American individuals making up smaller percentages of the total. See Figure 12.

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.

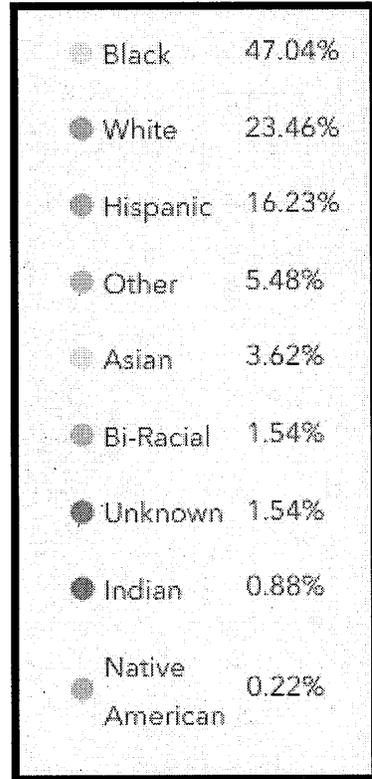
The information on incidents related to alcohol, drugs, and mental instability points to the broader social challenges intersecting with law enforcement. These include the need for enhanced officer training in crisis intervention and substance abuse awareness as well as the importance of collaboration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

The data on use-of-force incidents presented in this report serve as a vital tool for ongoing evaluation and reform. These data 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 policymaking, the BPD and ODPa are committed to fostering a safe, fair, and respectful environment for all Berkeley residents.

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 one²⁶ of these shootings, specifically the incident on November 6, 2023, on Grayson and 7th Street, after the related criminal proceedings are completed. This decision underscores our commitment

Figure 12 Use of Force Demographic by Ethnicity



²⁶ 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 received a filed complaint for only one of the OIS incidents.

to transparency and accountability, particularly in incidents involving the use of deadly force.

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 to safeguard 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, OIS represent the most consequential of these interactions. Comprehensive analysis of these incidents is ongoing, with particular attention given to demographic disparities and geographic distribution of police stops, which could inform the conditions leading 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 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.

OBSTACLES, SETBACKS, AND BARRIERS TO CIVILIAN OVERSIGHT IN BERKELEY

The pursuit of civilian oversight in Berkeley has been an evolving journey spanning 5 decades. Although 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 began with the ambition to be

“One tangible obstacle that emerged was delayed support from city departments, which manifested in prolonged access to information, services, and records essential to effective oversight.

a front-runner in this space, reflecting a long-standing commitment to accountability and community participation in policing matters. Despite this rich history, between 2021 and 2023, civilian oversight efforts in Berkeley have confronted a number 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 some significant hurdles, including their 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, CM, and the police department—questions about impartiality and independence in oversight functions have arisen. Such complexities underscore the need for clear boundaries and dedicated legal support to ensure the integrity of the oversight process.

One tangible obstacle that emerged was delayed support from city departments, which manifested in prolonged access to information, services, and records essential to effective oversight. For example, the ODPa has been engaged in discussions since December 2022 regarding relocation to a new office. 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 in 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 review period 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 in the PAB and ODPA slowing down processes and affecting the timeliness of complaint handling and policy reviews. Despite this, efforts by the Office of the CM and the Mayor's Office to convene stakeholder meetings were noteworthy, suggesting a high level of commitment to addressing the oversight mechanisms' needs.

In the same vein, the drafting and finalization of regulations and procedures for handling complaints has 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.

Although the CM 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 CM's final decisions. Such a dynamic hint at the need for a more empowered PAB whose advisory recommendations carry consequential weight.

“The city's staffing crisis compounded these challenges, with vacancies in the PAB and ODPA slowing down processes and affecting the timeliness of complaint handling and policy reviews.

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, the infrastructural and staffing needs of the PAB and ODPA must be prioritized, enabling them to address the systemic issues identified and thereby enhance public trust in civilian oversight. The coming period should be focused 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 to be addressed, ensuring that the PAB and ODPA can operate with unfettered independence and objectivity.

Although progress has been made, there is a clear call for a strategic approach to bolster the civilian oversight function, fortifying its place within city governance and enhancing its capacity to effect meaningful and responsive police oversight in Berkeley.

CONCLUSION AND RECOMMENDATIONS

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 toward 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 collaborative relationships among the PAB, the BPD, and the community to fully realize the principles of Measure II.
- (2) 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 in terms of thoroughness, fairness, and transparency.
- (3) 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 current member of the city council.
- (4) Clarify protocols: We suggest establishing protocols to ensure that the PAB is integrated into city governance structures as outlined in the city charter.
- (5) Amplify community voices: We must increase efforts to include diverse community perspectives in the oversight process, ensuring that all residents feel represented

and heard. To effectively amplify community voices, it is essential to develop a well-funded and sustainable outreach and engagement program. This initiative should include the investment in key personnel, such as an outreach and engagement specialist, or a comparable role, within the ODPa, to foster ongoing dialogue and trust between the community and oversight bodies.

- (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 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.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=CONS&tocTitle=+California+Constitution+-+CONS>

California Government Code:

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

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

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

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

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>

APPENDICES

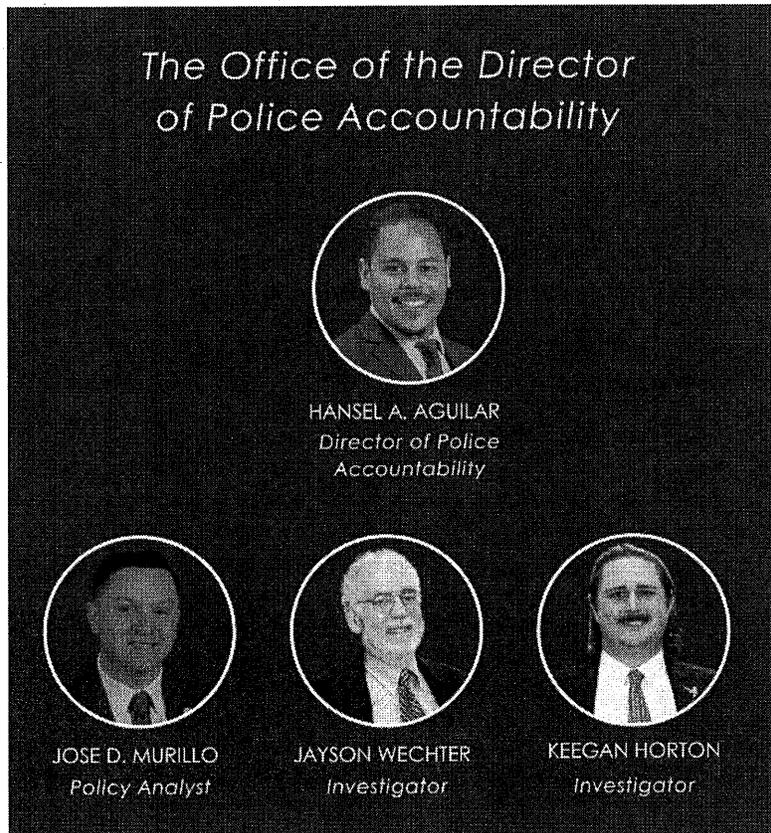
APPENDIX 1. MEET THE POLICE ACCOUNTABILITY BOARD²⁷



²⁷ Additional members of the PAB include:

- Michael Chang—served from June 2021–August 2022 before resigning.
- Nathan Mizell—served from June 2021–December 2022 before resigning.
- Ismail “Izzy” Ramsey—served from June 2021–February 2023 before resigning.
- Regina Harris—served from June 2021–February 2024 before resigning.
- Deborah “Dobbie” Levine—served from June 2021–May 2023 until her term expired.
- Cheryl Owens—served from June 2021–May 2023 before resigning.

APPENDIX 2. MEET THE OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY



The Director of Police Accountability and three staff members comprise the ODP.



Complementing this dedicated team, the ODP has also launched an innovative animal-assisted intervention (AAI) program—believed to be the first of its kind in the national field of civilian oversight—featuring Lucky, a therapy animal. Lucky, a chocolate, mixed Labrador Retriever and Cocker Spaniel from Puerto Cortes, Honduras, has been registered with Pet Partners.²⁸ 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 ODP'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.

²⁸ To learn more about Pet Partners and the benefits of AAI: <https://petpartners.org/about/>

APPENDIX 3. COMPLAINTS SUMMARY TABLE FOR 2021–2022

FINDINGS CATEGORIES

SUSTAINED	The allegation did occur and the action is not justified.
NOT SUSTAINED	The evidence fails to support the allegation; however, it has not been proven false.
UNFOUNDED	The alleged act did not occur.
EXONERATED	The alleged act did occur, but it was lawful, justified, and proper.
ADMIN CLOSED	Refers to an administrative closure of a complaint before a confidential personnel hearing is held. According to the <u>PAB and ODPa Interim Regulations for Handling Complaints Against Sworn Officers of the Police Department</u> , the grounds upon which a complaint may be administratively closed include but are not limited to the following: <ul style="list-style-type: none"> i. Complaint does not allege prima facie misconduct or is frivolous or retaliatory. ii. Request for closure by the complainant. iii. Unavailability of complainant where staff has attempted at least three telephone, electronic mail, and/or regular mail contacts. Attempts to reach the complainant by telephone and/or mail shall be documented in the recommendation for Administrative Closure. iv. Mootness of the complaint including but not limited to situations where the subject officer's employment has been terminated or where the complaint has been resolved by other means. v. Failure of the complainant to cooperate, including but not limited to: refusal to submit to an interview, to make available essential evidence, to attend a hearing, and similar action or inaction by a complainant that compromises the integrity of the investigation or has a significant prejudicial effect. vi. Failure of ODPa staff to timely complete its investigation, as set forth in Section II.C.1.
N/A	Not Applicable
N/R	<u>Berkeley Charter Section 125(18)(k)</u> provides the discretion to the Director of Police Accountability to request further review from the CM. In this case "N/R" means a subsequent review after receiving the chief's tentative findings was not requested and the chief's findings become final.

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 toward the complainant through the officer's demeanor, statements, or tone</p>		
US 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 Disciplinary Rec: No specific rec. 2. SUSTAINED Disciplinary Rec: No specific rec.	1. SUSTAINED 2. SUSTAINED	1. UNFOUNDED 2. UNFOUNDED	1. UNFOUNDED Disciplinary Outcome: N/A 2. UNFOUNDED Disciplinary Outcome: N/A

Case Number	DPA 3		
Allegations	<p>Allegation 1. DISCOURTESY Whether the subject officer was discourteous toward the</p>		

	<i>complainant</i> 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> Allegation 3. IMPROPER USE OF FORCE - Improper physical contact <i>Whether the subject officer used improper force against the complainant</i> Allegation 4. DISCRIMINATION <i>Whether any of the subject officer's actions toward the complainant resulted from disability, gender, or racial bias</i>		
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	Allegation 1. IMPROPER SEARCH - Home <i>Whether subject officers (4x) improperly entered the complainant's place of residence</i> Allegation 2. IMPROPER EVICTION <i>Whether subject officers' (4x) actions constituted an improper eviction of the complainant</i>		
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) Disciplinary Rec: No specific rec.	1. NOT SUSTAINED (3x) & UNFOUNDED 2. SUSTAINED (3x) Disciplinary ²⁹ Outcome:	1. NOT SUSTAINED (3x) & UNFOUNDED 2. SUSTAINED (3x)

²⁹ 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.

Disciplinary Rec: No specific rec.		UNKNOWN & NOT SUSTAINED	Disciplinary Outcome ³⁰ : UNKNOWN & NOT SUSTAINED
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Case Number	DPA 5 ³¹		
Allegations	<p>Allegation 1. IMPROPER CONDUCT Whether the subject officer engaged in unsafe or improper driving</p> <p>Allegation 2. IMPROPER POLICE PROCEDURES - Failure to provide medical assistance Whether subject officers failed to provide medical assistance</p> <p>Allegation 3. DISCOURTESY Whether subject officers exhibited discourtesy toward the complainant through their demeanor, tone, or statements</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 Whether the subject officer failed to properly or adequately investigate the dispute between the complainant and third party</p> <p>Allegation 2. DISCOURTESY Whether the subject officer exhibited discourtesy toward the complainant through the officer's demeanor, statements, or tone</p>		

³⁰ 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

³¹ This case has been partially resolved.

<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>			
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. UNFOUNDED	1. UNFOUNDED	1. UNKNOWN ³²	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 WERE 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---

³² 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.

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 the complainant committed</i></p> <p>Allegation 2. IMPROPER POLICE PROCEDURES - Damage to property <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 <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. ADMIN ³³ CLOSED	1. ADMIN CLOSED	1. ---N/A---	1. ---N/A---
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Case Number	DPA 22		
Allegations	<p>1. DISCOURTESY - Failure to respond <i>Whether the subject officer exhibited discourtesy toward the complainant by 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 toward 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</p>		

³³ This case was administratively closed because of an inability to complete the process as indicated in the Charter within the 240 days.

	- 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	DPA 24		
Allegations	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> 2. DISCRIMINATION - Prejudicial treatment <i>Whether the subject officer's actions toward the complainant resulted from 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 toward 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		

	<p>Whether the subject officer improperly arrested the complainant</p> <p>4. IMPROPER POLICE PROCEDURES - Improper confiscation of property <i>Whether subject officers improperly confiscated the complainant's property</i></p> <p>5. IMPROPER INVESTIGATION - False police report <i>Whether subject officers' police reports were false</i></p> <p>6. DISCRIMINATION - Gender <i>Whether any of the subject officers' actions constituted gender bias against the complainant</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---
5. ADMIN CLOSED	(The PAB initiated a policy review as a result of this complaint.)		
6. ADMIN CLOSED			

Case Number	DPA 17		
Allegations	<p>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></p>		
DPA Findings	PAB Findings	BPD Findings	CMO Findings
1. ADMIN CLOSED	1. ADMIN CLOSED	1. ---N/A---	1. ---N/A---

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

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	1. DISCOURTESY		

	<p>- Failure to provide information Whether the subject officers failed to adequately articulate the reason for the arrest</p> <p>2. DISCRIMINATION</p> <p>- Race or ethnicity Whether the subject officers' actions resulted from racial or ethnic bias against the complainant</p> <p>3. IMPROPER DETENTION Whether the subject officers improperly detained the complainant</p> <p>4. IMPROPER ARREST Whether the subject officers improperly arrested the complainant</p> <p>5. IMPROPER INVESTIGATION</p> <p>- False or improper police report Whether the reports prepared by the subject officers were false or improper</p> <p>6. IMPROPER POLICE PROCEDURES</p> <p>- Improper confiscation of property Whether the subject officers improperly confiscated the complainant's property</p> <p>7. IMPROPER SEARCH</p> <p>- Improper vehicle search Whether the subject officers improperly searched the complainant's vehicle</p> <p>8. IMPROPER USE OF FORCE</p> <p>- Improper physical contact Whether the subject officers improperly used physical force against the complainant</p>
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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 <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</p>		

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

11. IMPROPER POLICE PROCEDURES
- Failure to provide medical assistance
Whether the subject officer failed to provide medical assistance

12. IMPROPER SEARCH
- Person
Whether the subject officer improperly searched the complainant

13. IMPROPER USE OF FORCE
- Improper physical contact
Whether the subject officer made improper physical contact with the complainant

14. IMPROPER USE OF FORCE
- Improper display of firearm
Whether the subject officer improperly displayed a firearm

15. 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---

5. ADMIN CLOSED	7. ADMIN CLOSED	7. ---N/A---	7. ---N/A---
6. ADMIN CLOSED	8. ADMIN CLOSED	8. ---N/A---	8. ---N/A---
7. ADMIN CLOSED	9. ADMIN CLOSED	9. ---N/A---	9. ---N/A---
8. ADMIN CLOSED	10. ADMIN CLOSED	10. ---N/A---	10. ---N/A---
9. ADMIN CLOSED	11. ADMIN CLOSED	11. ---N/A---	11. ---N/A---
10. ADMIN CLOSED	12. ADMIN CLOSED	12. ---N/A---	12. ---N/A---
11. ADMIN CLOSED	13. ADMIN CLOSED	13. ---N/A---	13. ---N/A---
12. ADMIN CLOSED	14. ADMIN CLOSED	14. ---N/A---	14. ---N/A---
13. ADMIN CLOSED	15. ADMIN CLOSED	15. ---N/A---	15. ---N/A---
14. ADMIN CLOSED			
15. ADMIN CLOSED			

Case Number	DPA 28
Allegations	1. DISCOURTESY - Abusive or obscene language <i>Whether the officer used abusive or obscene language</i> 2. DISCOURTESY - Failure to provide information <i>Whether the officer failed to provide information</i>

	<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 a 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>11. IMPROPER POLICE PROCEDURES - Failure to provide medical assistance <i>Whether the subject officer failed to provide medical assistance</i></p> <p>12. IMPROPER SEARCH - Person <i>Whether the subject officer improperly searched the complainant</i></p> <p>13. IMPROPER USE OF FORCE - Improper physical contact <i>Whether the subject officer made improper physical contact with the complainant</i></p> <p>14. IMPROPER USE OF FORCE - Improper display of firearm <i>Whether the subject officer improperly displayed a firearm</i></p> <p>15. 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. 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 30
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Allegations	1. DISCOURTESY - Failure to respond <i>Whether the subject officer failed to respond</i> 2. DISCRIMINATION - Race/ethnicity <i>Whether the subject officer discriminated against the complainant</i> 3. IMPROPER OR INADEQUATE INVESTIGATION - False or improper police report <i>Whether the subject officer wrote a false or improper police report</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---

Case Number	2023-CI-0001		
Allegations	1. DISCOURTESY - Failure to respond <i>Whether the subject officer exhibited discourtesy toward the complainant by not responding to their request for service in person and on the day the request was made</i> 2. DISCRIMINATION - Prejudicial treatment based on gender <i>Whether the subject officer's actions resulted from gender bias</i> 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> 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. ---N/A---

		4. UNFOUNDED	
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Case Number	2023-CI-0002
Allegations	<p>1. DISCOURTESY - Failure to provide information <i>Whether the subject officers deliberately misled 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 <i>Whether the subject officer failed to properly investigate the robbery allegations against an individual who was arrested</i></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 <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</p>

	<p>- 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 their 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---

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 a 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 2. ADMIN CLOSED	1. ADMIN CLOSED 2. ADMIN CLOSED	1. UNFOUNDED 2. UNFOUNDED	1. 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 the 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 the 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 <i>Whether the subject officers failed to properly identify themselves</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---

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. ---N/A---	2. ---N/A---

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

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

Case Number	2023-CI-0010		
Allegations	<p>1. IMPROPER DETENTION Whether the subject officer improperly detained the complainant</p> <p>2. DISCOURTESY Whether the subject officer spoke and acted in a discourteous manner</p> <p>3. IMPROPER CITATION Whether the subject officer improperly issued a traffic citation to the complainant</p> <p>4. DISHONESTY Whether the subject officer falsified information on a traffic citation</p> <p>5. THREAT TO ARREST Whether the subject officer improperly threatened to arrest the complainant</p> <p>6. HARASSMENT Whether the subject officer harassed the complainant</p> <p>7. UNSAFE DRIVING Whether the subject officer drove in an unsafe manner</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 Whether the subject officers improperly detained the complainant on a 5150 W&I Hold</p> <p>2. HARASSMENT Whether the subject officers harassed the complainant</p>		

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 action³⁴ <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---

³⁴ 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 4: ODPa STATISTICS 2021–2023

2021 Police Accountability Board Statistics											
Complaints											
	Complaints Closed	Sustained		Not Sustained		Exonerated		Unfounded		Admin. Closure	
		PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD
Complaints	6	5	1	0	1	0	0	1	4	0	0
Allegations											
	Allegations Closed	Sustained		Not Sustained		Exonerated		Unfounded		Admin. Closure	
		PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD
Improper Use of Force	1	0	0	0	0	0	0	1	1	0	0
Discourtesy	4	1	0	1	0	0	0	2	4	0	0
Improper Search	7	4	0	3	0	0	0	0	1	0	0
Improper Arrest	0	0	0	0	0	0	0	0	0	0	0
Inadequate Investigation	4	3	0	0	0	0	0	1	4	0	0
Improper Detention	0	0	0	0	0	0	0	0	0	0	0
Discrimination	0	0	0	0	0	0	0	0	0	0	0
Harassment	0	0	0	0	0	0	0	0	0	0	0
Improper Procedure	7	1	0	1	1	0	0	5	6	0	0
Improper Eviction	4	4	3	0	1	0	0	0	0	0	0
Improper Citation	0	0	0	0	0	0	0	0	0	0	0
Total Allegations	27	13	3	5	2	0	0	9	16	0	0

2022 Police Accountability Board Statistics

Complaints

	Complaints Closed	Sustained		Not Sustained		Exonerated		Unfounded		Admin. Closure	
		PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD
Complaints	4	2	1	0	0	2	1	0	0	0	0

Allegations

	Allegations Closed	Sustained		Not Sustained		Exonerated		Unfounded		Admin. Closure	
		PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD
Improper Use of Discourtesy	1	0	0	0	0	0	0	1	1	0	0
Improper Search	1	0	0	0	0	0	1	1	0	0	0
Improper Arrest	1	0	0	1	0	0	1	0	0	0	0
Inadequate Investigation	4	0	0	0	0	2	2	2	0	0	0
Improper Detention	3	0	0	1	0	2	1	0	0	0	0
Discrimination	1	0	0	1	0	0	0	0	1	0	0
Harassment	0	0	0	0	0	0	0	0	0	0	0
Improper Procedure	3	3	1	0	0	0	2	0	0	0	0
Improper Eviction	0	0	0	0	0	0	0	0	0	0	0
Improper Citation	0	0	0	0	0	0	0	0	0	0	0
Total Allegations	15	3	1	3	0	4	7	5	3	0	0

2023 Police Accountability Board Statistics

Complaints

	Complaints Closed	Sustained		Not Sustained		Exonerated		Unfounded		Admin. Closure	
		PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD
Complaints	20	4	0	1	1	2	2	1	5	12	1

Allegations

	Allegations Closed	Sustained		Not Sustained		Exonerated		Unfounded		Admin. Closure	
		PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD	PAB	BPD
Improper Use of	12	0	0	0	0	2	0	2	4	8	0
Discourtesy	23	1	0	0	0	2	0	3	9	17	0
Improper Search	3	0	0	0	0	0	1	1	0	2	0
Improper Arrest	7	0	0	1	0	2	1	0	2	4	0
Inadequate Investigation	19	1	0	1	1	0	3	3	4	14	0
Improper Detention	12	0	0	3	0	2	1	1	2	6	1
Discrimination	9	1	0	1	0	0	0	2	5	5	0
Harassment	5	1	0	0	0	0	0	2	2	2	1
Improper Procedure	16	1	0	0	0	6	1	1	8	8	0
Improper Citation	3	0	0	0	0	1	0	0	1	2	0
Total Allegations	109	5	0	6	1	15	7	15	37	67	2

APPENDIX 5: 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.

ⁱ Berkeley Charter Section 125(16)(b) mandates that the DPA prepare an annual report for public dissemination. During the October 25, 2023 Regular Meeting of the PAB, the ODPa presented a biannual report to the board covering 2021–2022. This marked the inaugural

completion of the report under the new oversight structure, hence the inclusion of a 2-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 its production. Despite these challenges, the board and the office worked diligently on oversight matters in the city, which required addressing numerous critical issues. Because of the timing of the ODPa's presentation of a biannual report to the PAB, the board expressed the desire to incorporate additional information from 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 3-year period of the board's existence (2021–2023) is presented to the council with this report.