

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



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA PACKET
September 17, 2025
6:30 PM**

Board Members

Joshua Cayetano (Chair)	Leah Wilson (Vice-Chair)
Kitty Calavita	Juliet Leftwich
Randy Wells	Macharia Edmonds
Joshua Buswell-Charkow	

MEETING LOCATION

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

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Item 2

September 17, 2025 PAB Regular Meeting Agenda



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA
WEDNESDAY, SEPTEMBER 17, 2025
6:30 P.M.**

Board Members

Joshua Cayetano (Chair)	Leah Wilson (Vice-Chair)
Kitty Calavita	Juliet Leftwich
Randy Wells	Macharia Edmonds
Joshua Buswell-Charkow	

MEETING LOCATION

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

PUBLIC NOTICE

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/89174589069>. If you do not wish for your name to appear on the screen, use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen. To join by phone: Dial **1 669 900 6833** and enter Meeting ID **891 7458 9069**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized.

LAND ACKNOWLEDGMENT

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

AGENDA

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

2. APPROVAL OF AGENDA (2 MINUTES)

3. PUBLIC COMMENT (TBD)

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

4. APPROVAL OF MINUTES (5 MINUTES)

a. Minutes for the Regular Meeting of September 3, 2025

5. ODPa STAFF REPORT (10 MINUTES)

Announcements, updates, and other items.

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

The Chair and Board Members report on their activities.

7. CHIEF OF POLICE'S REPORT (10 MINUTES)

Crime/cases of interest, community engagement/department events, staffing, training, and other items of interest.

8. SUBCOMMITTEE REPORTS (10 MINUTES)

Report of activities and meeting schedule for all subcommittees, possible appointment or

reassignment of members to subcommittees, and additional discussion and action as warranted for the subcommittees listed on the PAB's Subcommittee List included in the agenda packet.

9. DISCUSSION AND ACTION ITEMS (1 HOUR 25 MINUTES)

- a. Discussion and action on the presentation of ODPa Policy Reviews
 - i. 2024-PR-0003 - Computer Voice Stress Analyzers (CVSA) (20 Minutes)
 - ii. 2024-PR-0004 - Artificial Intelligence (AI) Assisted Report Writing (20 Minutes)
- b. Discussion and action on a potential future police radio encryption at the Berkeley Police Department (ODPA) – (15 Minutes)
- c. Discussion and action on a proposal from Councilmember Taplin for City Council to refer to the City Manager initiation of the Surveillance Technology Ordinance (BMC 2.99) process for the Berkeley Police Department to explore acquiring and using Unmanned Aerial Systems (UAS), including Drones as First Responders (ODPA) – (15 Minutes)
- d. Discussion and action on the potential cancelation or rescheduling of the PAB's October 8th, 2025 Regular Meeting (ODPA) – (10 Minutes)
- e. Discussion and action to assign a delegate for the 2025 NACOLE Annual Conference Elections (ODPA) – (5 Minutes)

10. PUBLIC COMMENT (TBD)

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

11. CLOSED SESSION**CLOSED SESSION ITEMS**

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

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

- | | |
|--------------------|---------------------|
| i. 2023-CI-0016 | xi. 2025-CI-0020 |
| ii. 2024-CI-0004 | xii. 2025-CI-0021 |
| iii. 2024-CI-0025 | xiii. 2025-CI-0024 |
| iv. 2025-CI-0010 | xiv. 2025-CI-0025 |
| v. 2025-CI-0013 | xv. 2025-CI-0026 |
| vi. 2025-CI-0014 | xvi. 2025-CI-0027 |
| vii. 2025-CI-0015 | xvii. 2025-CI-0028 |
| viii. 2025-CI-0017 | xviii. 2025-CI-0029 |
| ix. 2025-CI-0018 | xix. 2025-CI-0030 |
| x. 2025-CI-0019 | |

END OF CLOSED SESSION**12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS (1 MINUTE)****13. ADJOURNMENT (1 MINUTE)****Off Agenda Reports**

1. Policy, Practice, and Procedure Review Status Report
2. Legislative Updates Relevant to the PAB's Work
3. List of Pending PAB Requests

Communications Disclaimer

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



Communication Access Information (A.R. 1.12)

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

SB 343 Disclaimer

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

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

1900 Addison Street, Floor 3, Berkeley, CA 94704

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

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

Email: dpa@berkeleyca.gov

Item 4

Minutes for the Regular Meeting of September 3, 2025



POLICE ACCOUNTABILITY BOARD REGULAR MEETING MINUTES

**WEDNESDAY, September 3, 2025
6:30 P.M.**

Board Members

Joshua Cayetano (Chair)	Leah Wilson (Vice-Chair)
Kitty Calavita	Juliet Leftwich
David Williams	Randy Wells
Macharia Edmonds	Joshua Buswell-Charkow

MEETING LOCATION

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

MINUTES

1. CALL TO ORDER AND ROLL CALL

Present: Board Member Joshua Cayetano (Chair)¹
Board Member Leah Wilson (Vice Chair)
Board Member Buswell-Charkow
Board Member Kitty Calavita
Board Member Macharia Edmonds
Board Member Juliet Leftwich
Board Member Randy Wells²
Board Member David Williams³

Absent: None.

ODPA Staff: Hansel Aguilar, Director of Police Accountability
Syed Mehdi, Data Analyst

¹ Chair Cayetano participating remotely on a just cause provision while he travels on official business of another state or local agency.

² Board Member Wells arrived after roll call at 6:41 PM.

³ Board Member Williams departed the meeting at 7:32 PM.

BPD Staff: Jose Murillo, Policy Analyst
 Daniel Weinberg, Investigative Clerk
 Esther Fan, ODPa Intern
 Mel Turner, Acting Deputy Chief
 Lt. Bonaventure

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Leftwich/Calavita) Motion carried.

Ayes: Buswell-Charkow, Calavita, Cayetano, Edmonds, Leftwich, Williams, Wilson.

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

3. PUBLIC COMMENT

0 Physically Present Speakers

1 Virtually Present Speaker

4. APPROVAL OF MINUTES

- a. Minutes for the Regular Meeting of July 9, 2025

Motion to approve the minutes for the Regular Meeting of July 9, 2025.

Moved/Second (Calavita/Edmonds) Motion carried.

Ayes: Buswell-Charkow, Calavita, Cayetano, Edmonds, Leftwich, Wells, Williams, Wilson.

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

- b. Minutes for the Special Meeting of August 7, 2025

Motion to approve the minutes for the Special Meeting of August 7, 2025.

Moved/Second (Leftwich/Calavita) Motion carried.

Ayes: Buswell-Charkow, Calavita, Cayetano, Edmonds, Leftwich, Wells, Williams, Wilson.

Noes: None. Abstain: None. Absent: None

5. ODPa STAFF REPORT

Director Aguilar reported that the ODPa staff had an eventful summer. The Office hosted its first YouthWorks⁴ internship cohort, which successfully completed its term, and discussions are underway for additional students to return. He introduced new intern Esther Fan, a UC Berkeley student majoring in Sociology and Social Welfare with a minor in Public Policy, who expressed enthusiasm about contributing to the office over the coming year. The Director also highlighted ODPa's participation in the NACOLE Regional Meeting⁵ held

⁴ YouthWorks Program: <https://berkeleyca.gov/community-recreation/community-services/youthworks>

⁵ 2025 NACOLE Regional Meeting Series Bay Area:

in San Francisco, where former PRC Commissioner Izzy Ramsey spoke on a panel about immigration. Policy Analyst Jose Murillo presented on behalf of the ODPa as part of a panel discussing the changing landscape for civilian oversight agencies. The Director reminded the Board of the upcoming annual NACOLE Conference⁶ in October, noting that funds have been reserved to support Board Members interested in attending.

6. CHAIR AND BOARD MEMBERS' REPORTS

The Vice Chair noted that there were no reports to provide at this time, with updates to be shared during the subcommittee report session.

7. CHIEF OF POLICE'S REPORT

Crime/cases of interest, community engagement/department events, staffing, training, and other items of interest.

Lieutenant Melanie Turner, Acting Deputy Chief on behalf of Deputy Chief Tate, reported an increase in First Amendment audits and confirmed that officers responded with de-escalation and respect for constitutional rights. She highlighted recent cases, including a hit-and-run with firearm brandishing, a multi-jurisdictional robbery investigation, and a South Campus armed robbery that ended in arrests and recovery of firearms and stolen property. Staffing currently stands at 152 officers with recruits in training, new academy placements planned, and ongoing efforts to fill dispatcher and CSO positions. She added that BPD will maintain current radio encryption practices while balancing privacy and transparency, and reiterated the department's non-involvement in federal immigration enforcement except to protect life and safety. She noted that DHS recently advised BPD of their brief presence in Berkeley without requesting support.

8. SUBCOMMITTEE REPORTS

The PAB's subcommittees reported on their activities since the last PAB meeting on August 07, 2025.

9. DISCUSSION AND ACTION ITEMS

- a. Discussion and action on new Policy Complaint 2025-PR-0006 in accordance with Section G. "Policy Complaints and Reviews" of the PAB's Standing Rules (ODPA)
 - i. Preliminary Review Report
 - ii. Complainant's Statement

https://www.nacole.org/2025_nacole_regional_meeting_series_bay_area

⁶ 2025 Annual NACOLE Conference: https://www.nacole.org/annual_conference

iii. Public Comment

iv. BPD Statement

Motion for the ODPa to refer to the BPD and City Attorney's Office for further inquiry regarding 2025-PR-0006.

Moved/Second (Leftwich/Calavita) Motion carried.

Ayes: Buswell-Charkow, Calavita, Cayetano, Edmonds, Leftwich, Wells, Wilson, Williams.

Noes: None. Abstain: None. Absent: None

- b. Discussion and action on the proposed wording for the recommended Arrest Quota Policy (Edmonds and Wells)

No Action taken.

- c. Discussion and action on the ODPa staff reports submitted for presentation at the September 30 City Council meeting, including deliberation on whether the PAB should provide any supplemental materials (ODPa) – (15 Minutes)

- i. Report Recommendation 1: Adopt a resolution calling on the California State Legislature to Amend Government Code Section 12519 to allow heads of civilian oversight agencies to directly request investigative assistance from the Attorney General's Office;

No Action Taken.

- ii. Report Recommendation 2: Adopt a resolution directing the City Manager to work with the City Attorney's Office to establish a communications policy, corresponding training, and compliance mechanisms to ensure impartiality and neutrality during the pendency of an active personnel investigations

Motion to support the ODPa's Recommendation.

Moved/Second (Leftwich/Calavita) Motion carried.

Ayes: Calavita, Cayetano, Edmonds, Leftwich, Wells, Wilson.

Noes: None. Abstain: Buswell-Charkow. Absent: Williams.

- d. Further discussion and action on Flock Safety Condor Fixed Surveillance Cameras (Cayetano)

Motion to Approve Letter with Modifications.

Moved/Second (Wilson/Leftwich) Motion carried.

Ayes: Calavita, Cayetano, Edmonds, Leftwich, Wells, Wilson.

Noes: Buswell-Charkow. Abstain: None. Absent: Williams.

10. PUBLIC COMMENT (TBD)

0 Physically Present Speakers

0 Virtually Present Speakers

11. CLOSED SESSION**CLOSED SESSION ITEMS**

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

a. Discussion and action on ODPa Complaint Number 2025-CI-0011 (ODPA)**Motion to accept the ODPa's findings in ODPa Complaint Number 2025-CI-0011.**

Moved/Second (Leftwich/Calavita) Motion carried.

Ayes: Calavita, Cayetano, Leftwich, Wells, Buswell-Charkow, Wilson.

Noes: Edmonds. Abstain: None. Absent: Williams

b. Discussion and action on ODPa Complaint Number 2025-CI-0022 (ODPA)**Motion to accept the ODPa's findings in ODPa Complaint Number 2025-CI-0022.**

Moved/Second (Wilson/Calavita) Motion carried.

Ayes: Calavita, Cayetano, Edmonds, Leftwich, Wells, Buswell-Charkow, Wilson.

Noes: None. Abstain: None. Absent: Williams

c. Discussion and action on ODPa Complaint Number 2025-CI-0023 (ODPA)**Motion to accept the ODPa's findings in ODPa Complaint Number 2025-CI-0023.**

Moved/Second (Wilson/Leftwich) Motion carried.

Ayes: Calavita, Cayetano, Edmonds, Leftwich, Wells, Buswell-Charkow, Wilson.

Noes: None. Abstain: None. Absent: Williams

END OF CLOSED SESSION

12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

Vice Chair Wilson reports on closed session actions.

13. ADJOURNMENT

Motion to adjourn. Moved/Second (Leftwich/Wilson). The meeting was adjourned at 9:10 PM by unanimous consent.

DRAFT

Item 5

Memo from Director Aguilar Titled “2025 National Latinx Social Work Conference – Civilian Oversight Participation” and Presentation Slides



MEMORANDUM

Date: September 12, 2025
 To: Honorable Members of the Police Accountability Board (PAB)
 From: Hansel A. Aguilar, Director of Police Accountability (DPA) *Ha*
 Subject: 2025 National Latinx Social Work Conference – Civilian Oversight Participation

This memorandum provides a summary of the Office of the Director of Police Accountability's participation in the 2025 National Latinx Social Work Conference, held on September 11–12, 2025, at the University of Washington School of Social Work in Seattle, Washington.

Background:

The conference brought together practitioners, scholars, and advocates to address human rights in social work practice with a focus on Latinx/e communities. As part of the program, civilian oversight was featured as a central theme in exploring public safety and accountability.

ODPA Participation

On September 12, 2025, I joined Chair Carmen Martinez (City of Richmond- CPRC) and Strategic Engagement Manager Gia Irlando (BART OIPA; Immediate Past President NACOLE) in a session titled "Latinx Voices in Civilian Oversight: Advancing Human Rights through Trauma-Informed Public Safety."

The presentation provided:

- An Oversight 101 baseline, covering models, principles, and the evolution of civilian oversight.
- Jurisdictional illustrations, where I highlighted Berkeley's trauma-informed practices, including the integration of civilian oversight as a human rights framework for accountability and public trust.
- A discussion of procedural justice and legitimacy, emphasizing independence, transparency, and community engagement as key to effective oversight.

This participation reinforced Berkeley's leadership role in the national oversight community and underscored our office's commitment to advancing human rights through oversight practice.

Attachment: PowerPoint Presentation – Latinx Voices in Civilian Oversight: Advancing Human Rights through Trauma-Informed Public Safety



LATINX VOICES IN CIVILIAN OVERSIGHT:

ADVANCING HUMAN RIGHTS THROUGH TRAUMA-INFORMED PUBLIC SAFETY

Hansel Aguilar, (City of Berkeley, CA)
Director of Police Accountability (ODPA)

Carmen Martinez, (City of Richmond, CA)
Chair of Community Police Review
Commission (CPRC)

Gianina Irlando, (Bay Area Rapid Transit District)
Strategic Engagement Manager for the Office of the
Independent Police Auditor (OIPA) &
Immediate Past President, National Association for Civilian
Oversight of Law Enforcement (NACOLE)

LSWO National Latino/x/e/a Social Work Conference
Seattle, Washington
September 12, 2025

SESSION ROADMAP

- Oversight 101 baseline
- Jurisdictional Illustrations
 - Berkeley
 - Richmond
 - BART



WHAT IS CIVILIAN OVERSIGHT?

Civilian Oversight alone is not sufficient to gain legitimacy. Without it, however, it is difficult, if not impossible, for the police to maintain the public's trust and push sustainable reform efforts forward.



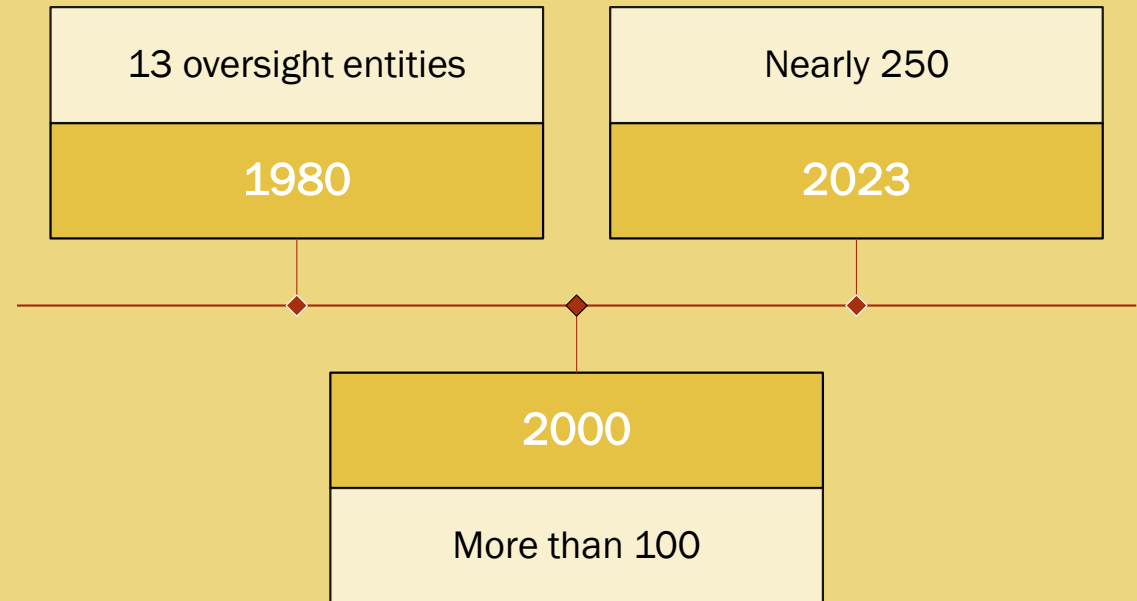
WHAT IS CIVILIAN OVERSIGHT?

A mechanism of facilitating civilians' involvement in holding the police accountable to the citizens they serve (Kim, 2022).

One or more individuals outside the sworn chain of command of a police department whose work focuses on holding that department and its officers and employees accountable (De Angelis, Rosenthal, Buchner (2016).

The independent, external, and ongoing review of a law enforcement agency, jail, or prison and its operations by individuals outside of the respective agency (Vitoroulis, McElhiney, & Perez, 2021).

Codified Civilian Oversight Entities in the U.S.



WHY OVERSIGHT?



EVOLUTION OF CIVILIAN OVERSIGHT:
1920s – 1990s

1920s – 1960s: Early Civilian Review Boards

Los Angeles Bar Association established the Committee on Constitutional Rights to *record* complaints of police misconduct

1928

1931

Wickersham Commission: "...physical brutality was a widespread, almost universal, police practice." Recommendation: "Some disinterested agency" in "every locality" take complaints against police.

NYC mayoral task force *recommended* the creation of a committee of citizens to receive complaints against the police.

1935

1948

Washington, D.C. Civilian Review Board established
(First in the U.S.; Abolished in 1965)

NYC Civilian Complaint Review Board established

1953

1920s – 1960s: Early Civilian Review Boards

Philadelphia Police
Review Board
established by mayoral
executive order
(Disbanded in 1967)

Kansas City, MO, Office of
Community Complaints
established by state statute.
(Oldest continuously
operating oversight agency)

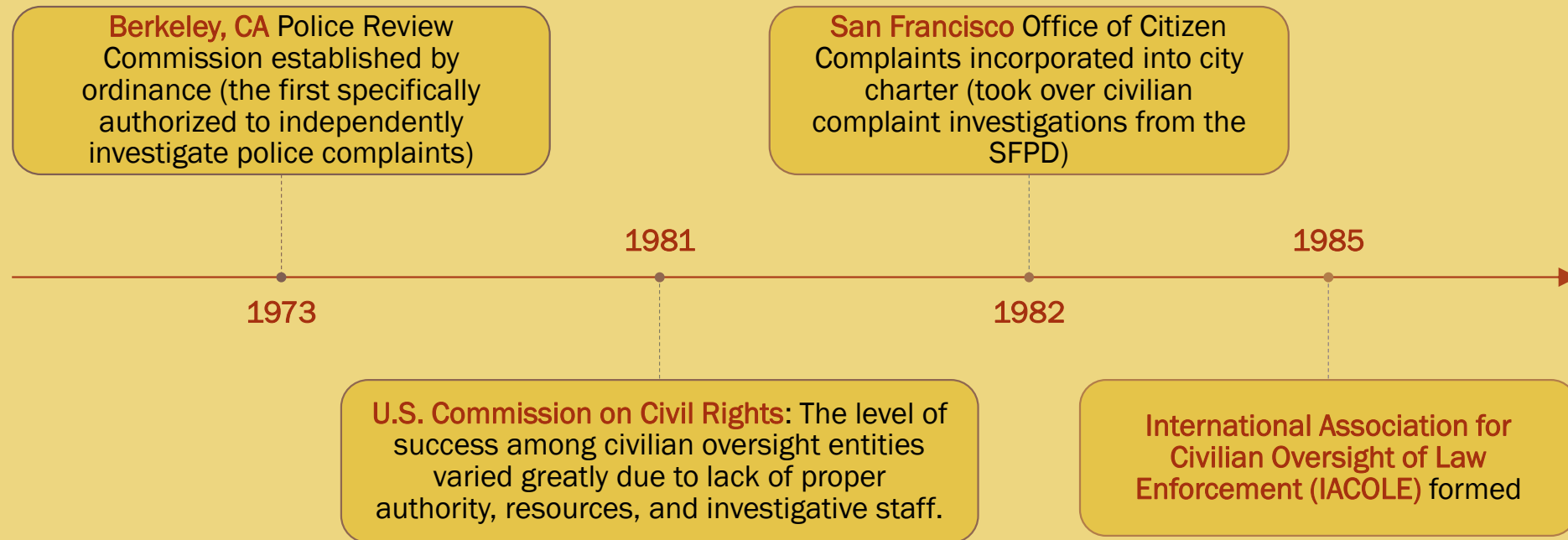
1958

1967

1969

Kerner Commission highlighted the “abrasive relationship between the police and minority communities” and recognized the lack of “effective mechanisms for handling complaints against the police.”
Recommendation: “A specialized agency, with adequate funds and staff, be created separate from other municipal agencies to handle, investigate and to make recommendations on citizen complaints.”

1970s – 1980s: Emergence of Investigative Models



1990s: Expanded Powers, Independent Auditors/Monitors

Seattle, WA, ordinance established an independent civilian auditor to audit and review civilian complaint investigations completed by Seattle PD's Internal Investigations Section

1991

1993

San Jose, CA, ordinance created an Independent Police Auditor to review completed complaint investigations, analyze complaint trends and statistics, and review and recommend improvements to SJPD policies and procedures

1995

National Association for Civilian Oversight of Law Enforcement (NACOLE) established

Recent Years:
Reactive →
Proactive

Reactive

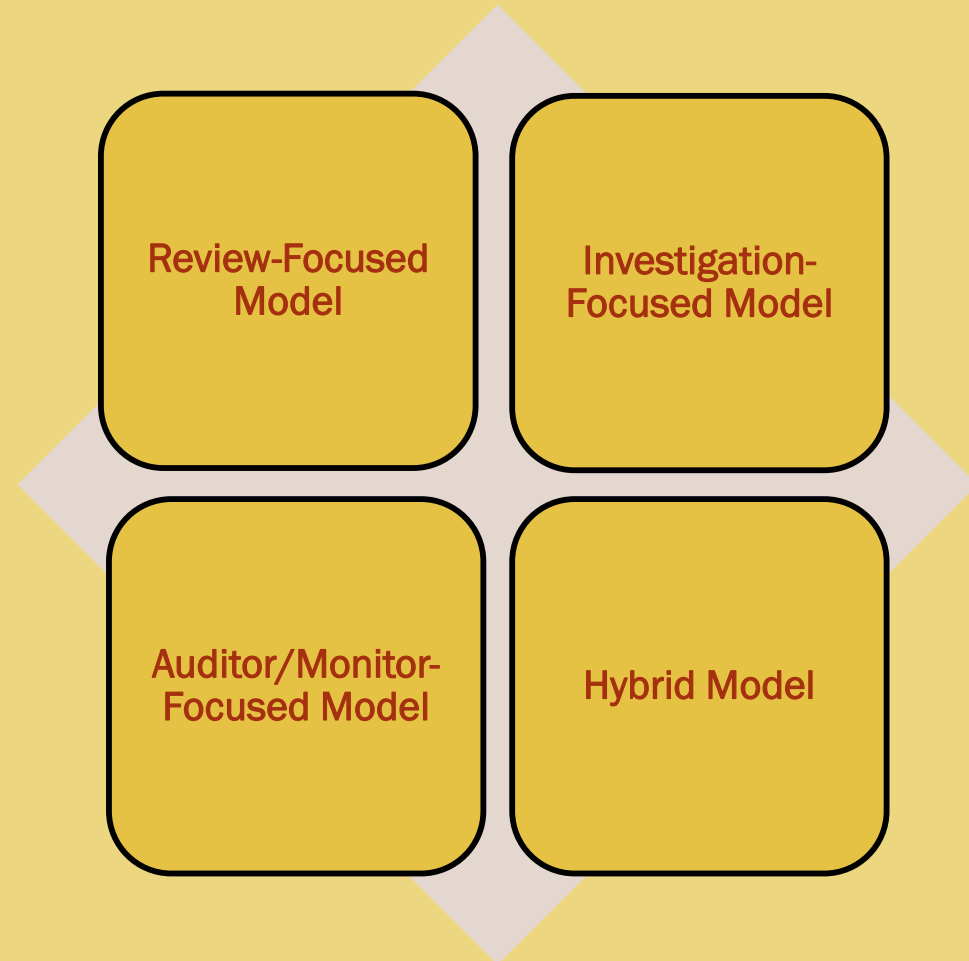
- Created after a high-profile incident or scandal
- Responds to complaints
- Emphasizes legalistic rules
- Uses adversarial, administrative process
- Recommended sanctions for officers
- Relies on deterrence

Proactive

- Identifies potential problems
- Focuses on organizational change
- Focus on prevention
- Builds partnerships with law enforcement
- Creates bridges between law enforcement and the community

OVERSIGHT MODELS AND RANGES OF AUTHORITY

Models of Civilian Oversight



Review-focused Models



Baltimore Civilian Review Board. Photo by the Capital News Service.

- Review completed complaint investigations
- Typically, a volunteer board/commission
 - Some/all members appointed by the mayor or city council
 - Authorizing legislation may designate seats to representatives from community groups
 - Staff support for administrative and clerical functions
- Public meetings in accordance with state law and union contracts

Range of Authority: Review-focused Models



Receive complaints and forward them to LE for investigation



Remand cases back to LE's internal affairs for further investigation



Hear appeals from complainants or subject officers



Recommend case dispositions, discipline, or revisions to departmental policies and procedures



Hold public forums



Conduct community outreach

Investigation-focused Models



Nashville's Community Oversight Board meets for the first time at the Metro courthouse on Tuesday, Feb. 12, 2019. *Shelley Mays, /Tennessean*

- Conduct investigations independently of internal affairs units OR replace internal affairs units
- Paid, professionally trained investigative staff
 - Along with a volunteer board/commission

Range of Authority: Investigation-focused Models



Conduct interviews, gather evidence, prepare investigative reports, make recommendations



May be limited to investigating only certain allegations



May be limited to investigating allegations based on the who filed the complaint



Greater access to LE records and databases compared to review-focused models



More likely to be authorized to subpoena documents and witnesses compared to other models

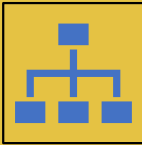
AUDITOR/MONITOR-FOCUSED MODELS



Office of Inspector General Public Safety's IG Lisa Judge presenting to the Seattle Community Police Commission (Facebook photo)

- Promote organizational change by addressing systemic issues, analyzing patterns and trends, and addressing policy and procedure deficiencies
- Paid staff (Inspector General, Police Monitor)

Range of Authority: AUDITOR/MONITOR-FOCUSED MODELS



Broad mandates to audit, monitor, investigate, and review a wide range of LE policies, practices, and procedures
(e.g., complaints, discipline, training, staffing and recruitment, use of force, crime-prevention strategies)



Access to a broader range of department records and information; more direct access



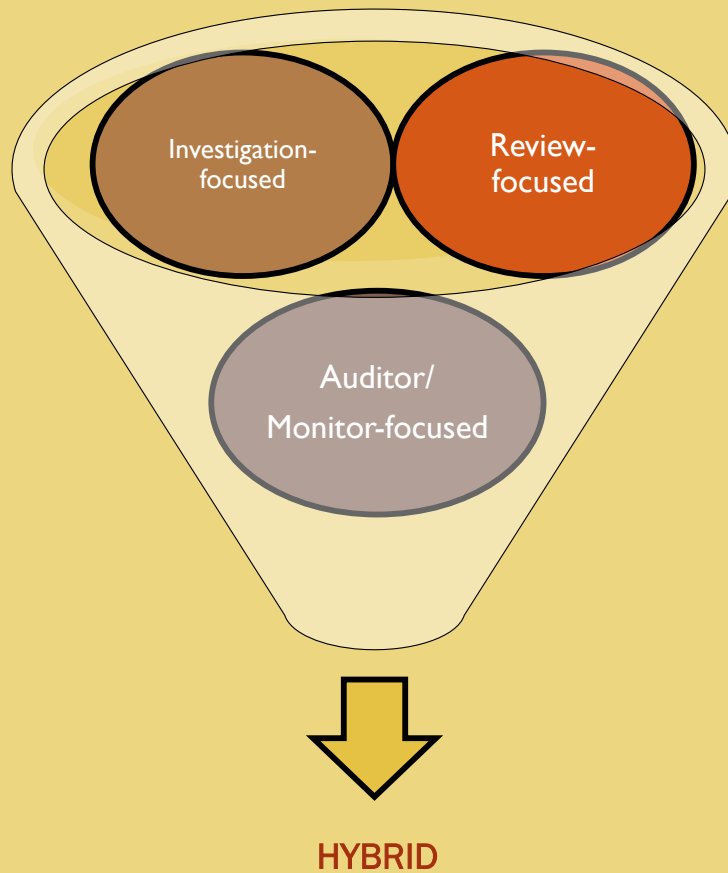
Review/monitor complaint process to ensure fairness, thoroughness, and compliance with policies and procedures



Audit civilian and internal complaints, reviewing various aspects (e.g., intake, classification, adjudication, discipline)



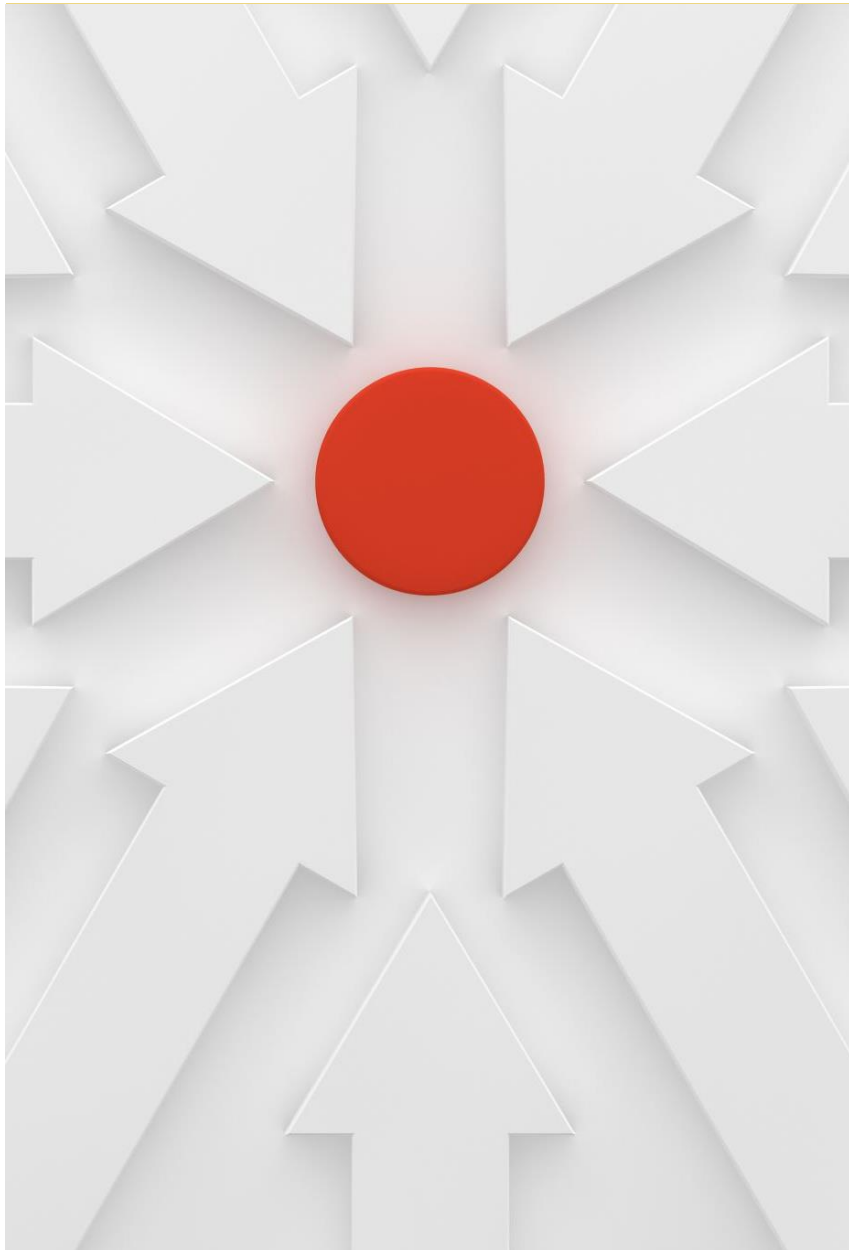
Actively participate in open investigations



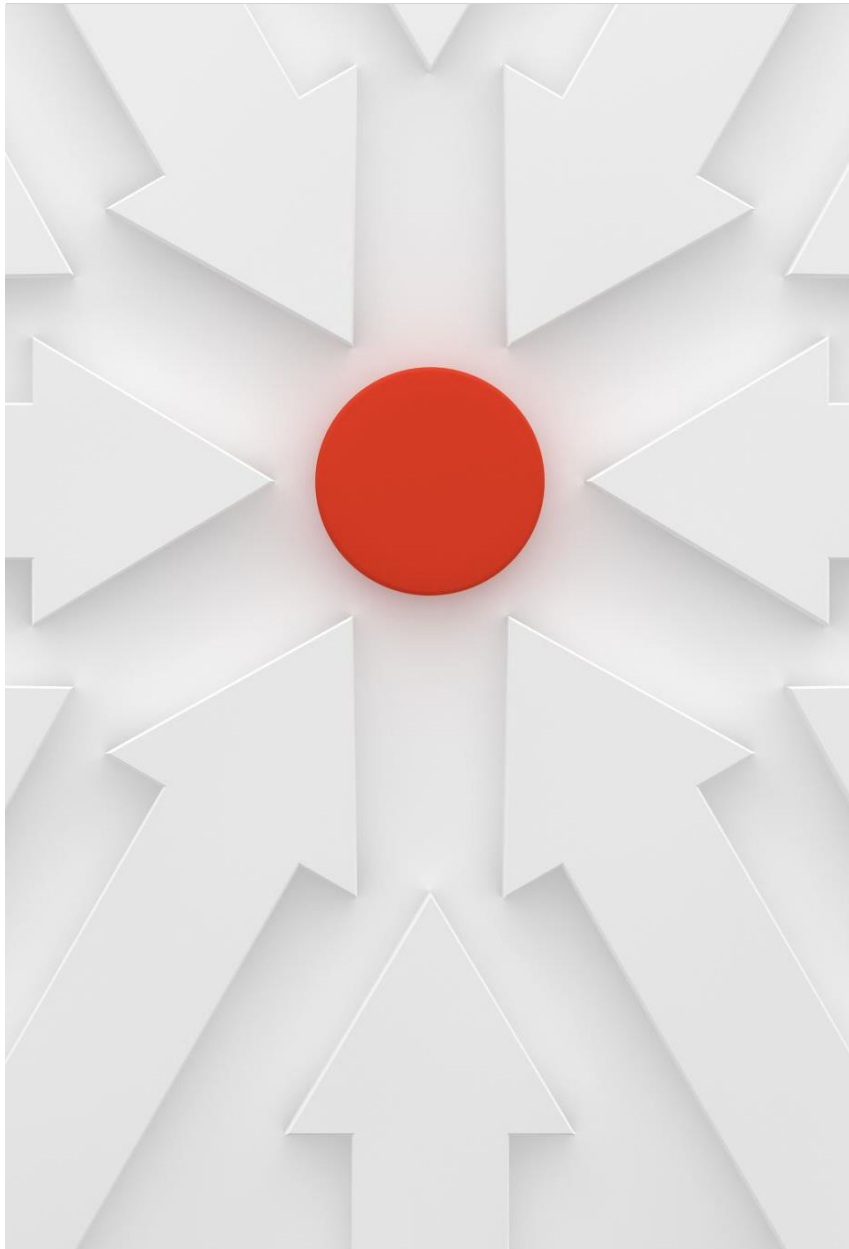
HYBRID MODELS

- Hybrid Agency - One agency performing oversight functions of multiple models
- Hybrid System - Multiple entities in a single jurisdiction providing oversight of the same LE department

PRINCIPLES FOR EFFECTIVE OVERSIGHT



1. Independence
2. Clearly defined and adequate jurisdiction and authority
3. Unfettered access to records and facilities
4. Access to LE executives and internal affairs staff



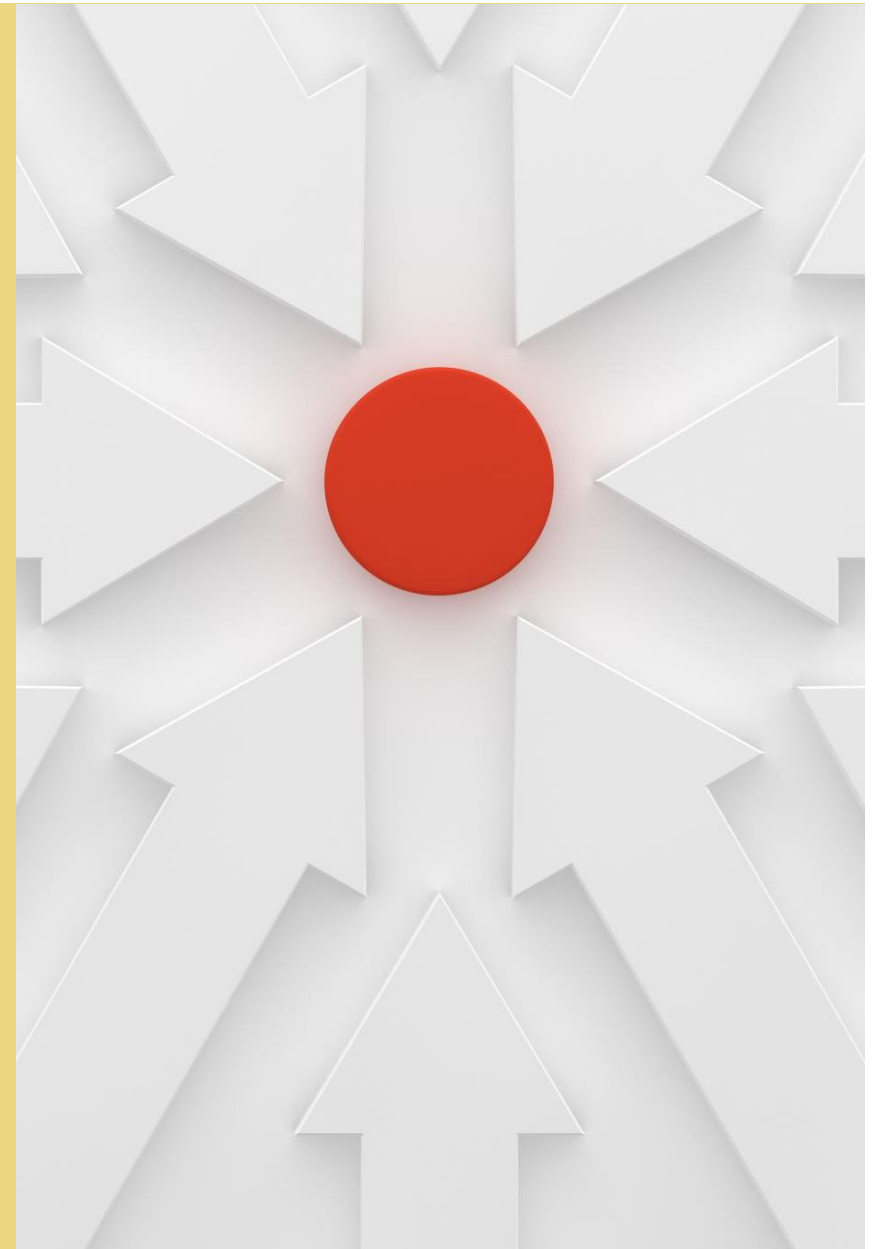
5. Full cooperation
6. Sustained stakeholder support
7. Adequate funding and operational resources
8. Public reporting and transparency

9. Policy and pattern analysis

10. Community outreach

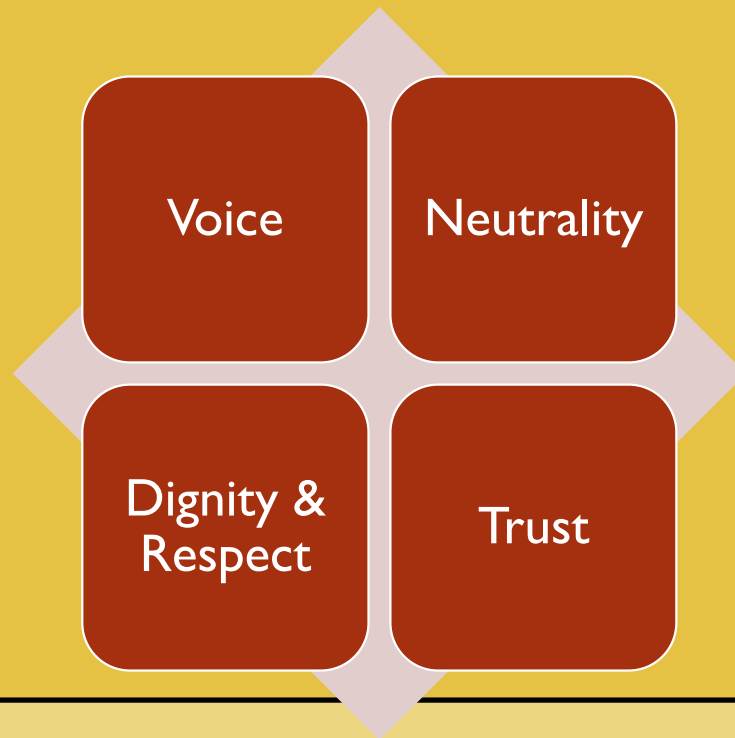
11. Community involvement

12. Confidentiality, anonymity, and
protection from retaliation



13. Procedural justice and legitimacy

Key Elements of Procedural Justice



Procedural justice and legitimacy

Legitimacy in Policing

- Police are trustworthy, honest, and concerned about the well being of the people they deal with
- Police authority ought to be accepted
- People should willingly accept police decisions and follow their directives
- People should comply with the law and cooperate with police

Legitimacy in Oversight

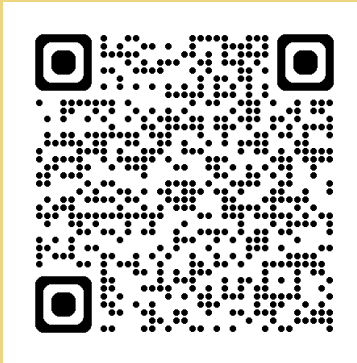
- The oversight agency is trustworthy, honest, and concerned about the well being of the people they deal with
- Oversight and its authority ought to be accepted
- People should accept oversight entity decisions and recommendations
- They should comply with the law and cooperate with the oversight agency

OVERSIGHT AS HUMAN RIGHTS PRACTICE

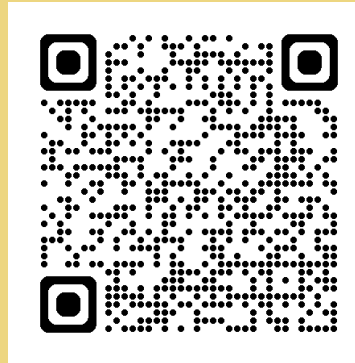
KEY TAKEAWAYS



Hansel Aguilar, DPA
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haguilar@berkeleyca.gov



Carmen Martinez, Chair
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Item 8

PAB Subcommittee List

Updated on 9/12/2025



SUBCOMMITTEES LIST

Subcommittee	Board Members	Chair	BPD Reps
Regulations Formed 7-7-21 Renewed 6-7-2023	Calavita Leftwich <u>Public members:</u> Kitt Saginor	N/A	N/A
Policy Reviews Formed 11-08-2023 Scope Expanded 12-11-2024 to include BWC Policy Review	Leftwich Cayetano <u>Public members:</u> Kitt Saginor	Leftwich	Deputy Chief Tate Sgt. Rafferty
Metrics & Operations Formed 02-05-2025 after the Budget & Metrics and Operations & Processes Subcommittees were consolidated into one	Wilson Wells	N/A	N/A
Outreach & Engagement Formed 11-08-2023 Scope Expanded 03-02-2024 Formally "Commendations"	Cayetano Wells	N/A	N/A
Arrest Quota Prohibition Formed 5-21-2025	Edmonds Wells	TBD	TBD

Updated on 9/12/2025

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

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

POLICY COMPLAINTS ASSIGNED TO INDIVIDUAL BOARD MEMBERS²

Policy Review Number	Assigned Board Member
2025-PR-0001	Calavita
2025-PR-0004	Calavita

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

² This list does not include policy complaints that were originally assigned to an individual Board Member but later assigned to a subcommittee.

Item 9.a.

Report by the UC Berkeley Criminal Law & Justice Center Titled
“Recommendations for the Use of AI Report Technology and CVSA”

UC Berkeley Criminal Law & Justice Center

Recommendations for the Use of AI Police Report Technology and CVSA

Berkeley, Jul 9, 2025

Executive Summary

The Berkeley Criminal Law & Justice Center (CLJC) investigated police use of Computer Voice Stress Analyzers (CVSA) and generative artificial intelligence (AI) for purposes of police report writing in Berkeley. The Center makes the following recommendations:

1. Berkeley Police Department (BPD) should cease its use of CVSA and decline to renew any related contracts, because the technology has not been proven to work and creates civil liberties risks for civilians as well as labor and employment risks for officers.
2. If BPD proposes adopting Draft One or similar AI police report writing software, City Council should await further research on the risks and benefits of the technology or partner with a research institution to design a pilot program to evaluate the technology as part of a tiered rollout.
3. If further research shows that the benefits of the technology outweigh the risks, City Council should create a policy for the future use of AI police reporting technology under its surveillance technology ordinance, § 2.99, with the following best practices:
 - a. All reports written using AI technology should include a statement to that effect.
 - b. Police officers should review and all AI generated reports in which they are involved, then digitally sign to attest to their accuracy under penalty of perjury as with current report protocol.
 - c. The council should create and measure metrics for the technology's success, and adjust the § 2.99 surveillance technology use policy or cease its use if those metrics are not met.

UC Berkeley Criminal Law & Justice Center

Introduction

The Office of the Director of Police Accountability (ODPA) presented a potential policy review to the Police Accountability Board (PAB). The PAB, by majority vote¹ accepted the proposal for a policy review to be conducted by the ODPA. The PAB did so under its Charter² authority. This present report was initiated at the request of Hansel Aguilar, Director of Police Accountability for the City of Berkeley. Berkeley voters established the role of Director of Police Accountability to “provide oversight of local law enforcement, access records, investigate complaints from the public and recommend disciplinary actions.”³ Within the scope of this role, Director Aguilar provides oversight of the use and adoption of police technology.

The Criminal Law and Justice Center (CLJC) is a research center based within Berkeley Law with institutional expertise in the areas of policing and technology in criminal law. In fall of 2023, the CLJC investigated Berkeley’s Community Control of Police Surveillance (CCOPS) ordinance and Berkeley Police Department (BPD)’s use of automatic license plate readers, GPS trackers, body-worn cameras, unmanned aerial vehicles, and fixed-location surveillance cameras. On March 7th, 2025, the CLJC hosted a conference focused on the use of artificial intelligence and other emerging technologies in the administration of criminal law.

The CLJC supports data-driven use of policing technologies, including novel technologies, for public safety purposes with common-sense guardrails to protect civil liberties. In keeping with that approach, this report draws on research from police technology manufacturers and civil liberties groups, criminal case law, and conversations with experts throughout the field of law enforcement. The first section of this report gives background on the legal framework for police use of technology, significant policy considerations, and CLJC’s previous related findings in Berkeley. The second section discusses CVSA technology, issues with its use, and potential alternatives. The third section discusses available research regarding AI police reporting, related risks and legal issues, and suggests guardrails for its implementation. Finally, the concluding section summarizes CLJC’s recommendations for next steps for the City of Berkeley to optimize public safety while protecting civil liberties in policing.

¹ 2024-05-22 PAB Meeting Minutes:

https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2024-05-22_Regular_Meeting_Minutes_signed.pdf - Page=4

² Berkeley City Charter Municipal Code 125 (13)(d): [https://berkeley.municipal.codes/Charter/125\(13\)\(d\)](https://berkeley.municipal.codes/Charter/125(13)(d))

³ Berkeley, CA Measure II, Police Accountability Charter Amendment (November 2020).

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I. Evaluation Framework

This section non-exhaustively outlines some of the important legal, constitutional, and policy issues relevant to police use of technology. Sections II and III then apply those rules to the technologies at issue.

A. Legal Framework

Police use of emerging technologies must comply with federal, state, and local laws. The Supreme Court has held that police are subject to the constraints of the Fourth Amendment even when they use novel technologies.⁴ When cities fail to constrain the use of novel technologies to comply with constitutional law, they risk costly civil rights and privacy lawsuits in unpredictable areas of law.

All police use of surveillance technology in Berkeley is subject to the city's CCOPS ordinance, section 2.99.⁵ AI police report writing technology is a "surveillance technology" as defined by the ordinance because it is capable of capturing information associated with individuals or groups.⁶ While AI police reporting technology does not literally have sensors to capture images or audio, its perceptive capacity relies on such technology because it reviews body worn camera footage and generates a novel form of information about groups and individuals.

Section 2.99 requires all surveillance technology used by BPD must go through an approval and assessment process.⁷ City council must hear from various parties regarding the risks and benefits and proposed usage policies for the technology prior to its adoption.⁸ City council approves technology only if it determines that the benefits outweigh the costs and concerns, appropriate safeguards are in place, civil liberties and rights are not unduly burdened, and the city does not have a reasonable alternative to the technology's use.⁹ BPD is required to

⁴ See, e.g., *Kyllo v. United States*, 533 U.S. 27 (2001) (holding that police use of surveillance technology to gather information within a subjects home was a Fourth Amendment search.)

⁵ Berkeley, Cal., Municipal Code § 2.99 (2018).

⁶ *Id.* at § 2.99.020.

⁷ *Id.*

⁸ *Id.* at 2.99.030.

⁹ *Id.* at 2.99.060.

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submit detailed annual reports about its use of the technology, and city council may modify the usage policy as needed.¹⁰

B. Methodology

This report analyzes technologies through three primary lenses: validity and accuracy to achieve the stated objectives; ability to improve or enhance law enforcement work and responsibilities; and trade off with privacy and civil liberties. To assess validity and accuracy, this report relies on existing empirical research as well as information put forth by the creators of the technology, prominent civil rights groups, and the CLJC's own in-house expertise.

II. Berkeley Police Department should cease all use of Computer Voice Stress Analyzer technology, because it has not been proven to work.

Berkeley Police Department currently uses Computer Voice Stress Analyzer technology, which available research has proven to be ineffective. Berkeley should cease all use of this technology.

A. Effectiveness, risks, and benefits

Computer Voice Stress Analyzers, or CVSA, are hardware and software technologies that purport to verify whether a human speaker is lying or telling the truth by identifying “micro tremors” in the speaker’s voice.¹¹ The manufacturer of CVSA technology, NITV (formerly known as the National Institute for Truth Verification, prior to a name change), claims that its most recently updated version, CVSA III, is “[t]he most accurate truth verification system in the world.”

However, research shows that CVSA lie detection is about as accurate as random chance. A study funded by the National Institute of Justice found that CVSA detected only about 15% of lies about drug use in a field test.¹² The study also found that the test determined that 8.5% of

¹⁰ Berkeley, Cal., Municipal Code § 2.99.070 (2018).

¹¹ *Computer Voice Stress Analyzer (CVSA)*, Hannibal Police Department, [https://www.hannibalpd.com/about-us/computer-voice-stress-analyzer/#:~:text=Computer%20Voice%20Stress%20Analyzer%20\(CVSA\)&text=The%20CVSA%C2%AE%20uses%20only,saves%20each%20chart%20to%20file](https://www.hannibalpd.com/about-us/computer-voice-stress-analyzer/#:~:text=Computer%20Voice%20Stress%20Analyzer%20(CVSA)&text=The%20CVSA%C2%AE%20uses%20only,saves%20each%20chart%20to%20file).

¹² Kelly R. Damphousse, Voice Stress Analysis: Only 15 Percent of Lies About Drug Use Detected in Field Test, National Institute of Justice Journal (March 16, 2008), <https://nij.ojp.gov/topics/articles/voice-stress-analysis-only-15-percent-lies-about-drug-use-detected-field-test>.

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truthful participants were lying.¹³ Another randomized study had half of participants steal money from a box, and the other half not steal, and then had half of all of the subjects lie.¹⁴ CVSA accurately detected the truthfulness of the subjects' answers almost exactly 50% of the time: the same amount as if it had randomly guessed by chance alone.¹⁵

NITV argues that CVSA can be effective as an interrogation technique, but its use for interrogation creates a significant risk of false confessions. NITV's website highlights a study on the use of CVSA to elicit confessions in child sex crimes where offender admissions are "the only reliable way to prove guilt."¹⁶ The authors used CVSA to identify vocal stress among adults suspected of child pornography possession, and asked further pressing questions if vocal stress was detected.¹⁷ But many forms of truth detection generate false confessions by making the subject believe that their true statements are not believed and will lead to further consequences, especially among young or unsophisticated subjects.¹⁸ Further, studies show that individuals who administer truth tests cannot differentiate between true and false confessions.¹⁹

B. Recommendations

Because CVSA produces results no better than chance and risks false confessions, the City of Berkeley should ban its use for any police purpose. The San Francisco Chronicle reported the same in a June, 2024 article highlighting the same issues with the technology that are outlined here.²⁰ For the above outlined reasons, CVSA is also not admissible in court, and the California Department of Corrections and Rehabilitation has agreed to cease its use.²¹

¹³ *Id.*

¹⁴ M. J. Janniro & V. L. Cestaro, *Effectiveness of Detection of Deception Examinations Using the Computer Voice Stress Analyzer*, 27 *Polygraph* 28 (1998).

¹⁵ *Id.*

¹⁶ Marigo J. Stathis & Maria M. Marinakis, *Shadows into Light: The Investigative Utility of Voice Analysis with Two Types of Online Child-Sex Predators*, *Journal of Child Sexual Abuse*, <https://www.cvsal.com/app/uploads/2022/08/Stathis-et-al-2020.pdf>.

¹⁷ *Id.* at 6.

¹⁸ Charles R. Honts et al., *Polygraph Examiners Unable to Discriminate True and False Juvenile Confessions*, 1 *Polygraph & Forensic Credibility Assessment* 1 (2019).

¹⁹ *Id.*

²⁰ Susie Neilson & Matthias Gafni, *It's Been Called Junk Science as Accurate as a Ouija Board. Why Are Police Agencies Still Using This Tool?*, *San Francisco Chronicle* (June 4, 2024), <https://www.sfchronicle.com/california/article/law-enforcement-technology-investigations-18756947.php>.

²¹ Susie Neilson & Matthias Gafni, *California Prisons Will Bar Lie-Detector Test Compared to 'Ouija Board' After Chronicle Investigation*, *San Francisco Chronicle* (August 26, 2024), <https://www.sfchronicle.com/bayarea/article/california-prisons-technology-19724054.php>.

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The risk of CVSA harming civil liberties is high if it is used on civilians or for interrogation purposes. Even if CVSA is used solely within BPD for purposes of investigating officer misconduct, it risks harming good police officers through false positive test results. The right to fair misconduct evaluation processes is critical for effective policing. Officers need to know that any allegations against them will be resolved through a fair process, not by junk science. The risk of good officers being fired or disciplined in error due to CVSA essentially flipping a coin as to their truthfulness is too high to merit its use.

At best, CVSA is a waste of the City's money. At worst, it could lead to false confessions and harm good police officers. The Criminal Law and Justice Center recommends that the City adopt a policy banning the use of this technology and cancel all contracts for its use.

II. AI Police Report Writing Technology

Berkeley Police Department does not currently use AI police report writing technology. As explained above, this technology is subject to Berkeley's surveillance technology ordinance. City Council should consider the following risks and benefits in its assessment and creation of a surveillance technology use policy, should it decide to move forward with deploying this emerging technology.

A. Effectiveness, risks, and benefits

The only AI police report writing technology currently on the market is Axon's Draft One. Axon markets Draft One as a "force multiplier" that uses a large language model (LLM) to create draft report narratives "in seconds."²² Much is still unknown about how Draft One, or any AI police reporting, will work in practice. The most important unknown information, explained further below, are: (1) the impact of underlying bias in ChatGPT and biased training data; (2) the frequency and types of error as compared to human writers; (3) actual impact to police efficiency; (4) Axon's data use; and (5) courtroom evidentiary issues.

Unknown 1: Will bias in ChatGPT 4 impact Draft One's transcription of audio and video?

²² *Draft One*, Axon, <https://www.axon.com/products/draft-one>.

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Draft One uses ChatGPT 4 to write reports, an LLM developed by OpenAI.²³ LLMs are created by inputting massive amounts of existing language-based data into a computer program, which the program uses to create future predictions about novel data.²⁴ This means that characteristics of the training data shape the LLM’s perception of future data. Researchers have repeatedly shown that LLMs are subject to the same social biases as their training data, and can make representations, use stereotypes, and even use derogatory language.²⁵

ChatGPT 4, which forms the basis of Draft One, interprets input with racial bias that is difficult to detect and not yet possible to correct for in the underlying technology itself. For example, a recent study found that ChatGPT 4 exhibits significant bias against African American Vernacular English.²⁶ There is insufficient research on whether this bias impacts ChatGPT 4’s ability to accurately transcribe audio, as required for DraftOne. The task of transcribing audio may not be subject to bias because ChatGPT will not be invited to draw conclusions, but only state events in the audio.

Axon writes that Draft One is trained with “diverse data that represents actual use cases in the field.”²⁷ This could lead to less bias than exists in ChatGPT’s baseline model, because the model in Draft One will be specialized to the task at hand. However, bias exists in human-written police reports too,²⁸ which could imbue another layer of issues into the language model.

²³ Ian T. Adams et al., *No Man’s Hand: Artificial Intelligence Does Not Improve Police Report Writing Speed*, 14 *Journal of Experimental Criminology* at footnote 1 (2024), <https://doi.org/10.1007/s11292-024-09644-7>.

²⁴ *What is a large language model (LLM)?*, Cloudflare Learning, <https://www.cloudflare.com/learning/ai/what-is-large-language-model/>.

²⁵ Isabel O. Gallegos et al., *Bias and Fairness in Large Language Models: A Survey*, 50 *Computational Linguistics* 1097 (2024).

²⁶ Valentin Hofmann et al., *AI Generates Covertly Racist Decisions About People Based on their Dialect*, 633 *Nature* 147 (2024) (finding that ChatGPT 4 showed a level of bias “similar to archaic human stereotypes about African Americans that existed before the civil rights movement.” The authors applied strategies that reduce overt racism in ChatGPT results, and found that those strategies did not affect covert racism as found in their study.)

²⁷ *Responsible AI for Modern Policing*, Axon, https://s3.amazonaws.com/a.storyblok.com/f/198504/x/70c48646ef/axon_responsible-ai-for-modern-policing-whitepaper-06a.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIU627ENUQT4RW23A%2F20250328%2Fus-east-1%2Fs3%2Faws4_request&X-Amz-Date=20250328T222958Z&X-Amz-Expires=604800&X-Amz-SignedHeaders=host&X-Amz-Signature=c3f1a00a70b9597701f79f5ce379c5c97b9216e7ddb162eefecda49dfa13f348.

²⁸ C. Dominik Guss et al., *Problems with Police Reports as Data Sources: A Researcher’s Perspective*, 11 *Frontiers in Psychology* (2020).

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Unknown 2: How often do officers catch and correct AI errors during Draft One's officer review process?

Large language models make two major types of factual errors: hallucination errors and attribution errors.²⁹ Hallucination errors occur when an LLM creates an output that is entirely false or not supported by accurate data. For example, in transcribing audio from body camera footage, an LLM could imagine and report speech that never occurred. Attribution errors occur when an LLM connects two facts that should not be connected. For example, the LLM could attribute an officer's verbal command to the person being commanded. Both types of errors should be caught by human review, but the effectiveness of Draft One's review process is still unknown. Critical safeguards at the police department level, like training, supervisor review, and signing reports under penalty of perjury, can help mitigate these risks.

Axon advertises that any AI mistakes will be detected by police officer review of AI generated reports.³⁰ However, past studies of technology in policing shows that officers trust information generated by technology even when told not to.³¹ Further research is needed to show how officers actually interact with the technology in practice.

Unknown 3: Does Draft One actually improve police efficiency?

Axon markets Draft One as improving police efficiency. The CLJC's in-house criminal law experts report that police report writing is a timely task that takes away from officers' ability to do more public facing safety tasks. If Draft One is effective, it would improve police efficiency and save overtime costs for BPD.

Existing research on the impact of AI on efficient report writing is not conclusive. One 2024 study found that AI police reporting was no faster than police report writing without AI.³² There, a police department agreed to randomly select a group of officers to use Draft One and measure the speed of report writing compared to a control group.³³ The study found that there

²⁹ Notes from Larson Justice Conference.

³⁰ *Draft One*, Axon, <https://www.axon.com/products/draft-one>.

³¹ Nathan Freed Wessler, *Police Say a Simple Warning Will Prevent Face Recognition Wrongful Arrests. That's Just Not True.*, ACLU (April 30, 2024), <https://www.aclu.org/news/privacy-technology/police-say-a-simple-warning-will-prevent-face-recognition-wrongful-arrests-thats-just-not-true>.

³² Ian T. Adams et al., *No Man's Hand: Artificial Intelligence Does Not Improve Police Report Writing Speed*, 14 *Journal of Experimental Criminology* (2024), <https://doi.org/10.1007/s11292-024-09644-7>.

³³ *Id.* at 8.

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was no statistically significant difference in the amount of time officers spent writing reports with or without AI.³⁴ The authors explained that many police departments already use some boilerplate language, and Draft One may require officers to verify important details, making the amount of time involved in each similar.³⁵

This study may be flawed by the increased time needed for officers to become accustomed to new technology. It did not assess the accuracy of AI police reports compared to boilerplate language. Further research is needed to determine how effective Draft One may be in practice.

Unknown 4: What will Axon do with Berkeley's data?

Axon gets access to customer data uploaded to Draft One, and can use it to train its model.³⁶ Axon's use of customer data is subject to its data agreement, which it has the right to change at any time.³⁷

Berkeley has made many commitments to its residents that represent Berkeley values. Most notably, Berkeley is a sanctuary city³⁸ and has resolved to protect the right to abortion.³⁹ Berkeley police are subject to oversight by the Police Accountability Board and the Office of the Director of Police Accountability. Axon is subject to no such restrictions, and is subject to the subpoena power of federal, state, or local prosecutors. Axon could hand over sensitive information about undocumented individuals caught on body-worn cameras to ICE, or hand over statements made on body-worn cameras by women who come to Berkeley from other states to have abortions to federal prosecutors.

Police reports are generally confidential and protected from broader public access, which could mitigate this risk. However, giving complete access to reports and the underlying

³⁴ *Id.* at 11.

³⁵ *Id.*

³⁶ *Responsible AI for Modern Policing*, Axon, at 6, https://s3.amazonaws.com/a.storyblok.com/f/198504/x/70c48646ef/axon_responsible-ai-for-modern-policing-whitepaper-06a.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=AKIAIU627ENUQT4RW23A%2F20250328%2Fus-east-1%2Fs3%2Faws4_request&X-Amz-Date=20250328T222958Z&X-Amz-Expires=604800&X-Amz-SignedHeaders=host&X-Amz-Signature=c3f1a00a70b9597701f79f5ce379c5c97b9216e7ddb162eefecda49dfa13f348

³⁷ See *Axon Customer Experience Improvement Program*, Axon, <https://www.axon.com/aceip>.

³⁸ Resolution 67,763-N.S. Reaffirming Berkeley's Status as a City of Refuge.

³⁹ See Ordinance No. 7,224-N.S. Adopting the Operative Principles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

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video files to a third party may waive or undermine confidentiality protections. To comply with existing Berkeley ordinances protecting privacy, including § 2.99, Berkeley would need a specific agreement with Axon regarding Axon's use of its data, and most importantly, its limitations.

Unknown 5: Will Draft One create courtroom evidentiary issues for police, prosecutors, or defense attorneys?

Finally, the legal admissibility of AI generated content is still unknown.⁴⁰ Some jurisdictions only use Draft One for minor incidents that do not lead to arrests, such as traffic collisions.⁴¹ Axon's official website states: "Draft One serves the vast majority of reports, but excludes incidents where arrests took place and for felonies."⁴²

Core constitutional protections likely make AI generated police reports inadmissible in criminal cases. The Sixth Amendment's confrontation clause guarantees criminal defendants the right to face and cross examine witnesses against them.⁴³ The officer who writes a police report is often a key witness against a criminal defendant at trial, where s/he is questioned about the statements he made in the report. Reports are often used to refresh recollection and as impeachment when the author testifies in court. The issue of applying the confrontation clause to AI products is yet unresolved by courts, but the right of meaningful impeachment of technology is questionable and complicated.⁴⁴ Should an Axon software engineer come into court and explain AI to the jury every time a Draft One police report is used? A defense attorney's cross-examination of such an expert is a poor substitute for the ability to ask questions of a human officer who wrote a report, and the risk of jury confusion is a threat to defendants' ability to exercise their trial rights.

Different risks come into play in cases where the right to counsel and confrontation of evidence do not apply. For example, there is no Sixth Amendment right to counsel in immigration court or DMV administrative hearings. Without the legal guardrails of criminal law, AI generated police reports are less likely to be thoroughly investigated for accuracy if reviewed by administrators.

⁴⁰ See *Draft One*, Axon, <https://www.axon.com/products/draft-one>, FAQs.

⁴¹ *Using AI to Write Police Reports*, 18 Dispatch (Jan. 2025), https://cops.usdoj.gov/html/dispatch/01-2025/ai_reports.html.

⁴² *Draft One*, Axon, <https://www.axon.com/products/draft-one>.

⁴³ U.S. Const. Amend. VI.

⁴⁴ See Andrea Roth, *Machine Testimony*, 126 Yale L. J. 1972, 2039 (May 2017).

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B. Recommendations

The promise of Draft One for police efficiency, and the unknown factors regarding risks and effectiveness, create an opportunity for new study. If the City Council decides that this technology merits further exploration, it should partner with an established research institution to design a pilot study. A pilot study would help Berkeley determine whether and how to adopt the technology, and help other jurisdictions by contributing valuable data for their own decision-making. At the end of the pilot, the City should review the study's findings before approving or discontinuing use.

If Berkeley decides to adopt Draft One, Section 2.99 requires City Council to also adopt guidelines for its use. Some suggested guidelines are listed below.

Possible Guidelines

1. Disclaimers: Every AI generated police report should be marked as such, and carry the name of the officer who reviewed the report with a certification that he or she represents that the report is accurate.
2. Data segregation and retention: Berkeley should negotiate a contract with Axon that requires Axon to maintain the data separated to avoid commingling with other jurisdictions and delete all data within a set period of time.
3. Case type: AI generated police reports should not be used for cases involving arrests or possible felony charges.
4. External oversight: The PAB and Director of Police accountability should be granted access to data required to audit the use of AI technology.
5. Technical validation: Berkeley should engage with CLJC and technical experts from UC Berkeley to independently validate performance, accuracy, and bias mitigation capabilities before deployment, rather than relying solely on the manufacturer's claims.
6. Continuous monitoring: Beyond initial evaluation metrics, Berkeley should implement a continuous monitoring framework that regularly assesses the AI system's performance over time, identifies emerging patterns of errors or bias, and requires periodic revalidation as the system and its training data evolve.

Conclusion

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Berkeley's commitment to evidence-based policing and civil rights protections make it a promising hub for exploration of novel police technologies. Berkeley's surveillance technology ordinance requires it to weigh the risks and benefits of AI police report writing technology before adopting it, and create usage policies for the technology if adopted. Draft One has the potential to improve police efficiency and save money by reducing overtime. However, at this point, many important factors are unknown about how the technology works in practice. If Berkeley chooses to adopt Draft One, the city should consider partnering with an established research institution to design a pilot study of the technology's effectiveness, benefiting both Berkeley and jurisdictions around the country.

Item 9.a.i

ODPA Memorandum Titled "2024-PR-0003 – Computer Voice Stress
Analyzers (CVSA)"



MEMORANDUM

Date: Friday, September 12, 2025
To: Police Accountability Board (PAB)
From: Hansel Aguilar, Director of Police Accountability (DPA) *HA*
 Jose Murillo, Policy Analyst *JM*
 Syed Mehdi, Data Analyst *SM*
Subject: 2024-PR-0003 – Computer Voice Stress Analyzers (CVSA)

This memorandum presents the Office of the Director of Police Accountability's (ODPA) policy review of the Berkeley Police Department's (BPD) use of Computer Voice Stress¹ Analyzer (CVSA) technology. To inform this review, ODPA integrated its own independent research with external analysis provided by the UC Berkeley Criminal Law & Justice Center (CLJC).

I. Background

A San Francisco Chronicle² article published on June 4, 2024, raised questions about the scientific validity and oversight implications of CVSA. In response, at its Regular Meeting³ on June 26, 2024, the Police Accountability Board (PAB) voted to initiate a policy review of the Berkeley Police Department's use of the technology. This action was further guided by a memorandum⁴ from then-Chair John "Chip" Moore, which documented the Board's concerns and called for a deeper inquiry.

¹ CVSA Technology: <https://www.swanseail.org/2286/Computer-Voice-Stress-Analyzer>

² Susie Neilson & Matthias Gafni, San Francisco Chronicle: <https://www.sfchronicle.com/california/article/law-enforcement-technology-investigations-18756947.php>

³ PAB Regular Meeting, June 26, 2024: [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2024-06-26 Regular Meeting Minutes - signed.pdf - page=4](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2024-06-26%20Regular%20Meeting%20Minutes%20-%20signed.pdf)

⁴ 2024-06-26 PAB Regular Meeting Packet "Use of Computer Voice Stress Analyzer": [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2024-06-26 PAB Regular Meeting Packet_FINAL.pdf#%23page=43](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2024-06-26%20PAB%20Regular%20Meeting%20Packet%20FINAL.pdf#%23page=43)

Although BPD had employed CVSA for more than 25 years in pre-employment background investigations, the Board identified significant risks: the tool's lack of scientific legitimacy, its potential to infringe on legal and civil liberties, and the absence of any independent validation within Berkeley.

II. Process and Milestones

- | |
|---|
| • ODPa scoping the review and preparing an initial memorandum in late 2024. |
| • Research in spring 2025 examining CVSA's reliability and scientific legitimacy. |
| • Delivery of CLJC's final research report in July 2025. |
| • Preparation of ODPa's findings and recommendations for PAB review in summer 2025. |

III. CLJC Findings

In support of ODPa's review, the CLJC provided empirical analysis on CVSA. Their research concluded that the technology is scientifically unreliable, inadmissible in court, and poses significant civil liberties risks. Key points included:

- | |
|--|
| • Accuracy No Better than Chance: A National Institute of Justice (NIJ) field study found that CVSA detected ⁵ only 15% of lies while also misclassifying truthful subjects. |
| • Risk of False Confessions: CVSA's use in interrogations can pressure individuals, particularly vulnerable ⁶ subjects, into false confessions by suggesting deception even when responses are truthful. |
| • Inadmissibility in Court: Courts do not accept CVSA results, limiting its investigative and evidentiary value. |
| • Abandonment by Agencies: Agencies, including the California Department of Corrections and Rehabilitation, have already discontinued ⁷ CVSA and reporting has compared the tool to "junk science." |

⁵ Kelly R. Damphousse, Voice Stress Analysis: Only 15 Percent of Lies About Drug Use Detected in Field Test, National Institute of Justice Journal (March 16, 2008): <https://nij.ojp.gov/topics/articles/voice-stress-analysis-only-15-percent-lies-about-drug-use-detected-field-test>.

⁶ Charles R. Honts et al., Polygraph Examiners Unable to Discriminate True and False Juvenile Confessions, 1 Polygraph & Forensic Credibility Assessment 1 (2019): https://polygraph.org/docs/Journal_48_2_final.pdf

- **Civil Liberties and Employment Risks:** CVSA poses due process risks for civilians and can unfairly damage officers' careers through false positives in background checks or misconduct investigations.

IV. ODPa Findings and Conclusion

The ODPa's independent review demonstrates that CVSA provides no credible investigative or oversight benefit to the City of Berkeley. Instead, it undermines fairness, due process, and community confidence while exposing the City to avoidable legal and reputational risks

This conclusion is aligned with the findings of the CLJC, whose rigorous analysis underscored the lack of scientific reliability, the civil liberties concerns, and the growing abandonment of CVSA by other agencies. ODPa is grateful for the depth of CLJC's research, which meaningfully informed this review and contributed to a stronger evidentiary basis for oversight.

CVSA has failed to withstand scientific scrutiny and is being phased out by jurisdictions across the state and nation. Continued reliance on the tool would place Berkeley at odds with emerging best practices and the City's commitment to accountability.

Accordingly, ODPa recommends that the PAB advise City Council to discontinue BPD's use of CVSA and to review any associated contracts or policies to ensure that Berkeley's practices remain aligned with the community's expectations of oversight.

Item 9.a.ii

ODPA Memorandum Titled "2024-PR-0004 - Artificial Intelligence (AI)
Assisted Report Writing"



MEMORANDUM

Date: Friday, September 12, 2025
To: Police Accountability Board (PAB)
From: Hansel Aguilar, Director of Police Accountability (DPA) *HA*
 Jose Murillo, Policy Analyst *JM*
 Syed Mehdi, Data Analyst *SM*
Subject: 2024-PR-0004 - Artificial Intelligence (AI) Assisted Report Writing

This memorandum presents the Office of the Director of Police Accountability's (ODPA) policy review of AI-assisted police report writing, undertaken as a proactive assessment of the technology's potential implications. To inform this review, ODPA considered academic and empirical research from the UC Berkeley¹ Criminal Law & Justice Center (CLJC) and the Berkeley Law Police Review Project² (PRP).

I. Background

At its May 22, 2024, Regular³ meeting, the Police Accountability Board (PAB) voted⁴ to delegate responsibility to the ODPA to conduct a policy review of artificial intelligence (AI) tools marketed to assist with police report writing. While some proponents emphasized potential efficiency gains, the Board raised concerns regarding reliability, accountability, evidentiary admissibility, and the risk of embedding systemic bias into automated narratives. Tools such as Axon's⁵ Draft One had been marketed as "force

¹ UC Berkeley Criminal Law & Justice Center: <https://www.law.berkeley.edu/research/criminal-law-and-justice-center/>

² UC Berkeley Law Police Review Project: <https://www.law.berkeley.edu/experiential/pro-bono-program/slps/current-slps-projects/police-review-project/>

³ ODPA Memo, "[Recommendation] Proposal to Delegate the Investigation of AI-Assisted Police Reports," May 22, 2024 PAB Packet, p. 30: [https://berkeleyca.gov/sites/default/files/legislative-body-meetingattachments/2024-05-22 PAB Regular Meeting Packet.Final_.pdf%23page=30 %5bPage 30%5d](https://berkeleyca.gov/sites/default/files/legislative-body-meetingattachments/2024-05-22%20PAB%20Regular%20Meeting%20Packet.Final_.pdf%23page=30%5bPage%2030%5d)

⁴ PAB Regular Meeting Minutes, May 22, 2024: [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2024-05-22 Regular Meeting Minutes - signed.pdf%23page=4](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2024-05-22%20Regular%20Meeting%20Minutes%20-%20signed.pdf%23page=4)

⁵ Axon Enterprise, Inc., "Axon reimagines report writing with Draft One, a first-of-its-kind AI-powered force multiplier for public safety," April 23, 2024, <https://investor.axon.com/2024-04-23-Axon-reimagines-report-writing-with-Draft-One,-a-first-of-its-kind-AI-powered-force-multiplier-for-public-safety>

multipliers,” yet reported accuracy rates of approximately 80 percent raise the risk of errors in arrest-related reports and could undermine due process and community trust

II. Findings and Recommendations

CLJC Findings	PRP Findings
Bias in transcription accuracy, especially for African American Vernacular English and other dialects. ⁶	Risks ⁷ of inefficiency, unreliability, bias, and privacy breaches.
Errors such as “hallucinations” and misattribution could compromise evidentiary integrity.	Concerns that officers could deflect ⁹ responsibility for errors by attributing mistakes to the technology, weakening individual accountability.
Legal challenges, particularly under the Confrontation Clause, as defendants cannot cross-examine machine-generated statements.	Potential for officers to shape narratives ¹⁰ by speaking into cameras in ways that misrepresent events, which could undermine accountability and community trust
Privacy concerns related to outsourcing body-worn camera footage and sensitive documentation to third-party vendors.	Concerns that officers could deflect responsibility for errors by attributing mistakes to the technology, weakening individual accountability.

Despite these risks, both CLJC and PRP acknowledged potential benefits, particularly in reducing administrative burdens at a time of staffing shortages. However, PRP recommended against any adoption at this time, concluding that the risks outweighed potential gains. CLJC recommended that, if City Council considers adoption,

⁶ Hofmann, V., Kalluri, P. R., Jurafsky, D., & King, S. (2024). AI generates covertly racist decisions about people based on their dialect. *Nature*, 633(8028), 147–154. <https://doi.org/10.1038/s41586-024-07856-5>

⁷ Jay Stanley, “ACLU White Paper on Police Departments’ Use of AI to Draft Police Reports,” ACLU, 3 (December 10th, 2024), <https://www.aclu.org/documents/aclu-on-police-departments-use-of-ai-to-draft-police-reports>

⁸ Andrea Roth, Machine Testimony: https://www.yalelawjournal.org/pdf/RothFinal_c4o97on1.pdf

⁹ Democrat and Chronicle, “Can AI write your police report? Monroe County Sheriff’s Office wants to give it a try” (January 14, 2025), <https://www.democratandchronicle.com/story/news/2025/01/14/monroe-county-sheriffs-office-uses-axon-draft-one-ai-police-reports/77673736007/>

¹⁰ Jay Stanley, “Acting and Directing with Police Cameras,” ACLU (May 13, 2015), <https://www.aclu.org/news/privacy-technology/acting-and-directing-police-cameras>

then it should proceed only, if at all, under a limited pilot study, subject to BMC §2.99¹¹ with safeguards including:

- Mandatory disclaimers on AI-generated reports.
- Officer attestation under penalty of perjury.
- Restrictions to non-felony, non-arrest cases.
- Independent validation and continuous monitoring.

III. ODPa Findings & Conclusion

ODPA's independent review of BPD policies, jurisdictional scans, and external research enriched by the academic analysis of the CLJC and the student perspectives of the PRP, finds that the efficiencies often promised by AI-assisted reporting remain largely unproven. Furthermore, the risks are significant and well-documented. These include persistent bias in transcription, reliability issues such as "hallucinations" and misattribution, privacy concerns when sensitive data is outsourced, and accountability gaps if officers attribute errors to the technology rather than to their own conduct.

Recent developments highlight these risks. A CNN¹² investigation into Axon's Draft One tool found that the system does not preserve an audit trail of AI-generated text, prompting prosecutors in Washington to reject AI-assisted reports and leading Utah to mandate disclosure whenever AI is used in policing.

Both CLJC and PRP offered valuable insights. PRP concluded that the risks outweigh potential gains and advised against adoption at this time. CLJC, while identifying the same risks, recommended that if the City were to consider adoption, it should do so only through a narrowly scoped pilot program subject to BMC §2.99, with safeguards.

In alignment with these findings and building on CLJC's recommendation, ODPa concludes that full adoption of AI-assisted report writing would be premature. At the same time, ODPa recognizes that carefully designed pilot programs, modeled on the framework proposed by CLJC, and limited in scope, transparent in execution, and subject to continuous oversight, may offer a responsible pathway for evaluation should the City Council wish to explore this technology. Proceeding in this manner would allow Berkeley to balance innovation with its core commitments to transparency, accountability, and the protection of civil liberties.

¹¹ Berkeley Municipal Code 2.99: <https://berkeley.municipal.codes/BMC/2.99>

¹² Clare Duffy, Emily Williams, "Cops Are Using AI To Help Them Write Up Reports Faster" CNN: <https://www.cnn.com/2025/08/12/tech/ai-police-reports-axon>

Item 9.b.

ODPA Memorandum Titled “Overview and Considerations for Potential
Police Radio Encryption at Berkeley Police Department”



MEMORANDUM

Date: September 10, 2025

To: Honorable Members of the Police Accountability Board (PAB)

From: Hansel Aguilar, Director of Police Accountability (DPA) *[Signature]*
 Jose Murillo, ODPa Policy Analyst

Subject: Overview and Considerations for Potential Police Radio Encryption at Berkeley Police Department

This memorandum provides the Police Accountability Board (PAB) with background and analysis on the Berkeley Police Department's (BPD) potential transition to encrypted radio channels, undertaken to meet the requirements of the October 2020 California Department of Justice policy and state law.

Background:

In October 2020, the California Department of Justice issued a policy requiring all law enforcement agencies using the California Law Enforcement Telecommunications System (CLETS) to protect personally identifiable information (PII) transmitted over radio.¹ Agencies were given two options:

1. Encrypt all radio communications, or
2. Implement policies prohibiting the broadcast of PII on public channels, with sensitive information rerouted through secure alternatives.

¹ October 12, 2020 California DOJ Information Bulletin Titled "Confidentiality of Information from the California Law Enforcement Communications System (CLETS)":
https://www.oag.ca.gov/sites/all/files/agweb/pdfs/info_bulletins/20-09-cjis.pdf#:~:text=Law%20enforcement%20and%20criminal%20justice%20agencies%20authorized%20by,the%20transmission%20of%20such%20information%20must%20be%20encrypted.

The BPD chose the second option, adopting BPD Policy 805, *Protected Information*,² to restrict the transmission of PII over public radio channels.

Regionally, Alameda County and Contra Costa County agencies are part of a coordinated effort, led by the East Bay Regional Communications System Authority (EBRCSA),³ to implement radio encryption across jurisdictions. Berkeley is currently the only police agency in Alameda and Contra Costa counties that continues to operate without full radio encryption. However, as noted by the BPD at the PAB's September 3, 2025 Regular Meeting, the BPD may eventually need to fully transition to comply with state law.⁴

Analysis of Police Radio Encryption — Advantages and Trade-Offs:

The following table outlines the primary advantages of police radio encryption alongside the corresponding concerns and trade-offs identified by community stakeholders, policymakers, and oversight groups.

Advantage	Concern / Trade-Off	Analysis
Protects PII and privacy	Reduces real-time public oversight and media access	Encryption ensures CLETS-derived information (names, DOBs, medical details) is not publicly broadcast, aligning with DOJ and FBI CJIS rules. ⁵ However, this also restricts journalists and watchdog groups from monitoring incidents in real

² BPD Policy 805 "Protected Information": https://berkeleyca.gov/sites/default/files/2022-05/RELEASE_20220411_T083431_Berkeley_PD_Policy_Manual.pdf#Page=498

³ East Bay Regional Communications System Authority (EBRCSA): [EBRCSA | East Bay Regional Communications System Authority \(EBRCSA\)](https://ebrcsa.org/)

⁴ September 3, 2025 PAB Regular Meeting [Timestamp 00:17:15 – 00:18:15]: https://youtu.be/0xsKsHlnr7c?si=mRuG2o_WJleHIWCQ&t=1031

⁵ California Department of Justice. (2023, December). CLETS policies, practices, and procedures (and statutes) (Rev. 12/23). California Law Enforcement Telecommunications System. <https://oag.ca.gov/system/files/media/clets-policies-practices-and-procedures.pdf>

		time, limiting public oversight of law enforcement activity. ⁶
Enhances officer safety and operational security	Potentially limits transparency in misconduct cases	Prevents suspects from tracking police movements or tactics, improving operational security. ⁷ Yet encrypted audio also removes contemporaneous records that can aid in assessing misconduct allegations, weakening accountability.
Simplifies compliance with DOJ policy	Critics say selective systems could suffice	Blanket encryption is administratively straightforward, avoiding the training and technology required to filter sensitive data. Critics argue selective encryption, delayed streams, or CLETS routing policies could achieve compliance while preserving public access. ⁸
Standardizes communication across agencies	Limits community awareness of local incidents	Encrypted systems improve interoperability across regional agencies and reduce liability risks. However, encryption removes a long-standing source of public situational awareness (e.g., during emergencies, evacuations, or neighborhood incidents). ⁹

⁶ Fidler, M. (2020, October 5). Encryption of police radio poses dilemma for local governments, journalists. Reporters Committee for Freedom of the Press. <https://www.rcfp.org/tech-press-freedom-oct-4-2020/>

⁷ Cybersecurity and Infrastructure Security Agency. (2016, September). Considerations for encryption in public safety radio systems [Fact sheet]. U.S. Department of Homeland Security. https://www.cisa.gov/sites/default/files/2023-02/20160830%20Fact%20Sheet%20Considerations_Final%20Draft508_0.pdf

⁸ Federal Partnership for Interoperable Communications & Cybersecurity and Infrastructure Security Agency. (2023, May). The who, what, when, where, why, and how of encryption in P25 public safety land mobile radio systems. https://project25.org/images/stories/ptig/23_0508_fpic-p25_WhoWhatWhenWhereHowWhy-Encryption-P25-LMR-Sys_FINAL_508C.pdf

⁹ Id.

Policy Implications:

The trade-offs demonstrate that encryption is not an all-or-nothing issue. SB 1000 (2022, Becker)¹⁰ attempted to balance compliance with public access by allowing exceptions for confidential/tactical use while requiring agencies to maintain some form of public access (e.g., delayed streams or designated open channels). Although the bill did not pass, it provides a legislative model for compromise. Agencies implementing full encryption should consider alternative transparency measures—such as delayed online feeds, selective talkgroups, and regular public reporting—to mitigate community trust concerns while satisfying DOJ confidentiality requirements.

Recommendations:

Given the diverging views on this potential change, the PAB may consider undertaking additional research into the implications of police radio encryption. This could include reviewing state and federal requirements, assessing community concerns about transparency and public safety, and analyzing the experiences of other jurisdictions. Based on this research, the PAB could then provide a formal opinion to the BPD and, if appropriate, identify alternative options.

¹⁰ California Legislature. (2022). Senate Bill 1000 (2021–2022 Regular Session). <https://legiscan.com/CA/text/SB1000/id/2587668>

Item 9.c.

ODPA Memorandum Titled “Notice of Upcoming Surveillance Technology Proposal – Unmanned Aerial Systems and Drones as First Responders”

Internal



MEMORANDUM

Date: September 12, 2025

To: Honorable Members of the Police Accountability Board (PAB)

From: Hansel Aguilar, Director of Police Accountability (DPA) *HA*
 Jose Murillo, ODPa Policy Analyst *JM*

Subject: Notice of Upcoming Surveillance Technology Proposal – Unmanned Aerial Systems and Drones as First Responders

The purpose of this memorandum is to notify the PAB of the forthcoming surveillance technology review concerning the Berkeley Police Department's (BPD) potential acquisition of Unmanned Aerial Systems (UAS) and drones, as proposed by Councilmember Taplin.

Background:

On September 11, 2025, the ODPa became aware of a proposed agenda item, submitted by Councilmember Taplin for the September 30, 2025, regular meeting of the City Council,¹ requesting that the Council refer to the City Manager the initiation of the process prescribed by the Surveillance Technology Ordinance (Berkeley Municipal Code Chapter 2.99)² for the Berkeley Police Department to explore the potential acquisition and use of Unmanned Aerial Systems (UAS), including Drones as First Responders (DFR). See Attachment 1. The referral does not authorize funding or immediate implementation but seeks instead to commence a citywide policy development process to evaluate potential applications across City departments, assess technical, legal, and equity implications, and ensure robust community engagement and transparency.³

¹ September 15, 2025 Agenda & Rules Committee Regular Meeting Agenda: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2025-09-15%20Agenda%20Packet%20-%20Agenda%20Committee.pdf#Page=47>

² Berkeley Municipal Code Section 2.99: <https://berkeley.municipal.codes/BMC/2.99>

³ See Attachment 1.

Pursuant to BMC 2.99.030 “City Council Approval Requirements,”⁴ the City Manager is prohibited, except in exigent circumstances, from seeking or accepting funding, acquiring, using, or entering into agreements for the use of new surveillance technology absent prior approval of the City Council at a duly noticed meeting. Such approval requires submission of a Surveillance Acquisition Report together with a proposed Surveillance Use Policy. Both documents must be transmitted to the PAB (formerly the Police Review Commission) for review prior to Council action. The Board is afforded thirty (30) days to recommend approval, object to the proposal, suggest modifications, or take no action. Although the Board’s recommendations are advisory and do not preclude the City Manager from forwarding the matter to the Council, this review constitutes an essential element of oversight and accountability. Final authority rests with the City Council, which must approve the Surveillance Use Policy prior to any acquisition, funding, deployment, or operational use of the proposed surveillance technology.

Regarding UAS and drone technology, the PAB has previously provided feedback on the BPD’s implementation of Policy 611 “Unmanned Aerial System (UAS) Operations”⁵ and Policy 1303 “Surveillance Use Policy – Unmanned Aerial System (UAS),”⁶ expressing objections to the policies as presented. These policies regulate the Department’s use of drones obtained through mutual aid or in exigent circumstances but do not address the Department’s potential acquisition of such equipment for its own use. In its report entitled “BPD Draft Policies 611 and 1303: Unmanned Aerial System Operations and Surveillance Usage”⁷ the PAB noted that the Department may consider acquiring UAS technology in the future and highlighted several areas requiring careful consideration prior to any acquisition, including:

- Potential impacts on civil liberties and privacy
- The role of civilian oversight in UAS acquisition and usage
- The need for transparency regarding technical specifications and safeguards to prevent misuse
- The absence of a clear definition of “exigent circumstances” in relation to UAS use

⁴ BMC 2.99.030: <https://berkeley.municipal.codes/BMC/2.99.030>

⁵ BPD Policy 611 “Unmanned Aerial System (UAS) Operations”:

⁶ BPD Policy 1303 “Surveillance Use Policy – Unmanned Aerial Systems (UAS)”:

⁷ PAB Policy Review Report “BPD Draft Policies 611 & 1303: Unmanned Aerial System Operations & Surveillance Usage:” https://berkeleyca.gov/sites/default/files/documents/2023-02-23_PAB%20Proposed%20Unmanned%20Aerial%20System%20Policies.pdf

- Uncertainty surrounding UAS operations under mutual aid agreements with other agencies

These concerns were transmitted to the BPD and City Council on February 23, 2023.

If the Council approves, this referral to the City Manager will also allow the PAB to conduct further review of UAS technologies in accordance with BMC 2.99.050.

Recommendation:

Should the Council approve the referral, the PAB should request that the ODPa conduct preliminary research on UAS technology to support the PAB in developing its recommendation. The ODPa's review should include:

1. Which agencies currently use UAS/drones.
2. The policies governing their use.
3. Potential concerns or risks, including privacy, civil liberties, and operational issues.
4. An overview of current products and their capabilities.

This research will provide the PAB with a foundation to make an informed, evidence-based recommendation.

Attachments:

1. Councilmember Taplin's Action Calendar Item Report, "Unmanned Aerial Systems and Drones in First Response"
2. BPD Policy 611 "Unmanned Aerial System (UAS) Operations"
3. BPD Policy 1303 "Surveillance Use Policy Policy – Unmanned Aerial System (UAS)"

**02a.17****DRAFT**

ACTION CALENDAR
September 30, 2025

Public Safety Policy Committee

To: Honorable Mayor and Members of the City Council
From: Councilmember Taplin
Subject: Unmanned Aerial Systems and Drones as First Responders

RECOMMENDATION

Refer to the City Manager the initiation of the process outlined by BMC 2.99: Surveillance Technology Ordinance (STO) for the Berkeley Police Department (BPD) to acquire and use Unmanned Aerial Systems (UAS), including Drones as First Responders (DFR), consistent with all auditing, transparency, data and privacy protections required for all use policies and acquisition reports under the STO.

Submitting a UAS acquisition report and use policy will support informed, collaborative, and accountable exploration of this technology across departments, and ensure that any deployment aligns with Berkeley's commitment to public trust, environmental stewardship, and racial and social equity.

As outlined in the STO, the use policy, and acquisition report shall include:

- An interdepartmental assessment of potential operational uses by public safety and non-public safety departments;
- Consideration of technical requirements, legal and regulatory frameworks, civil liberties and privacy protections, and equity implications;
- Community engagement and best practices for transparency and accountability;
- A requirement for annual public reports detailing:
 - Instances of drone deployment;
 - Departmental uses and impacts on operations;

- Instances of drone deployment;
- Departmental uses and impacts on operations;
- Instances of drone deployment;
- Departmental uses and impacts on operations;
- Community outcomes;
- compliance audits;
- And updates on training, and data handling procedures.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley, like many municipalities, is navigating the dual challenge of increasing public safety demands and constrained departmental resources. At the same time, the public expects rapid, transparent, and equitable responses to emergencies, complex incidents, and quality-of-life issues.

In this context, Unmanned Aerial Systems (UAS) and Drones as First Responders (DFR) are emerging as tools with the potential to significantly enhance public safety operations, emergency response capabilities, and resource efficiency. Many jurisdictions—including San Francisco, Richmond, Santa Monica, and Alameda County—have implemented such programs to reduce response times, improve situational awareness, and increase officer and community safety.

In 2023, BPD completed an STO process, allowing requests for drone mutual aid from other agencies. Those deployments have successfully protected the lives of community members, suspects, and officers. However, reliance on outside agencies restricts availability, creates unpredictable costs, and prevents the development of a DPR program. To realize the full benefits of drone technology, Berkeley should move toward acquiring its own systems.

As interest in UAS and DFR capabilities grows—particularly for applications such as search and rescue, disaster response, and crime scene documentation—it is critical that Berkeley move proactively, ensuring any exploration or potential implementation is rooted in community values, transparency, and civil liberties.

BACKGROUND

Across California and the United States, local governments and public safety agencies are adopting Unmanned Aerial Systems (UAS) and Drones as First Responders (DFR) to address evolving operational challenges. These technologies are increasingly viewed as critical tools for supporting effective, timely, and equitable emergency response, especially in cities facing staff shortages, high service demands, and climate-related emergencies.

UAS are remotely piloted aircraft systems typically operated by trained personnel during active incidents to support operations such as search and rescue, missing persons cases, traffic collision investigations, and crime scene documentation. More advanced models of deployment—such as

DFR—enable drones to be autonomously dispatched from pre-positioned locations in response to 911 calls, often arriving before human responders and streaming live video to dispatch and field units. This real-time aerial intelligence can help prevent unnecessary use of force, support de-escalation, and reduce officer risk.

Peer jurisdictions—including San Francisco, Richmond, Santa Monica, and Alameda County—have implemented drone programs to enhance operational capacity while maintaining strong public accountability. This referral authorizes the City Manager to evaluate the feasibility of a drone program to assess its technical, legal, and financial dimensions, as well as its potential benefits and risks in Berkeley. Early conversations have identified applications for multiple City departments, including disaster response, infrastructure inspection, and environmental monitoring.

Establishing a citywide UAS program is a proactive step that allows Berkeley to thoughtfully assess whether, how, and under what conditions such technology may be used.

RATIONALE

The development of a citywide Unmanned Aerial Systems (UAS) Use Policy is both a timely and necessary step for ensuring that emerging public safety technologies are evaluated through the lens of transparency, equity, and community oversight.

As the capabilities of drones continue to evolve and their adoption by peer cities increases, Berkeley has the opportunity to proactively shape policy rather than react to technological change. Establishing a thoughtful, community-informed framework ensures that any future deployment of drones—whether by the Police Department, Fire Department, or other City divisions—aligns with Berkeley’s values of racial justice, civil liberties, and environmental responsibility.

Drone technologies can provide clear benefits: faster and safer emergency response, improved situational awareness, enhanced de-escalation, and more efficient allocation of limited personnel. They can also support climate resiliency and disaster preparedness by enabling real-time damage assessments and safe inspections of inaccessible infrastructure.

However, these tools are not without risk. Improper or unregulated use could lead to violations of privacy, disproportionate surveillance of marginalized communities, disruption to wildlife, or erosion of public trust. A UAS Use Policy must therefore include robust safeguards consistent with the STO: clear delineation of use, accountability mechanisms, transparency in flight activity, and annual reporting on impacts and outcomes.

In authorizing the City Manager to lead this policy development process, the City Council ensures that the exploration of drone programs proceeds deliberatively, inclusively, and under public oversight. Guided by the STO, this referral lays the groundwork for a policy that is not only operationally effective but also democratically legitimate and reflective of the needs and rights of Berkeley residents.

FISCAL IMPACTS

Staff time will be required for the coordination and completion of the policy development and reporting framework. Any future proposals for equipment procurement, pilot programs, or department-level deployment would be subject to separate City Council review and approval, including full fiscal analysis at that stage.

The current referral does not refer funding for the procurement or implementation of any UAS or DFR system. It initiates a policy development process, which may be supported by existing department resources and informed by peer city frameworks.

Staff may also explore the availability of state, to support policy infrastructure development related to drone oversight, civil liberties protections, or emergency preparedness

ALTERNATIVES CONSIDERED

The City could defer engagement with drone policy or allow departments to act independently without a unifying framework. However, this risks uncoordinated use, inconsistent standards, and diminished public trust. Proactively developing a citywide policy ensures consistent standards, transparency, and safeguards before any implementation occurs.

CONTACT PERSON

Councilmember Taplin Council District 2 510-981-7120

Attachments:

City of Richmond Code of Ordinances....

Unmanned Aerial System (UAS) Operations

611.1 PURPOSE AND SCOPE

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

611.1.1 DEFINITIONS

Definitions related to this policy include:

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

611.2 POLICY

Unmanned aerial systems may be utilized for the purpose of enhancing the department's mission of protecting lives and property by enabling remote surveillance and monitoring in the situations specified in 611.5 below when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. All uses of the UAS shall be reported in compliance with the Surveillance Technology Ordinance, BMC 2.99.

All requests and deployments shall be reported annually in the Surveillance Technology Report as outlined in BMC 2.99.070. Additionally, the Department shall publish data regarding the specific requests and deployments on the Department's transparency portal within 14 days of use.

611.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

611.4 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Berkeley Police Department

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Unmanned Aerial System (UAS) Operations

- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

611.5 AUTHORIZED USE

The use of the UAS shall only occur as the result of a mutual assistance request, and no BPD personnel will be allowed to operate a UAS. UAS may only be requested for the purposes of remote surveillance and monitoring in the following specified situations:

- (a) Mass casualty incidents (e.g. large structure fires with numerous casualties, mass shootings involving multiple deaths or injuries);
- (b) Disaster management;
- (c) Missing or lost persons;
- (d) Hazardous material releases;
- (e) Sideshow events where many vehicles and reckless driving is present;
- (f) Rescue operations;
- (g) Training;
- (h) Hazardous situations which present a high risk to officer and/or public safety, to include:
 - i. Armed suicidal persons;
 - ii. Hostage situations;
 - iii. Barricaded suspects;
- (i) Arrest of armed and/or dangerous persons
- (j) Service of high risk search and arrest warrants involving armed and/or dangerous persons
- (k) Other unforeseen exigent circumstances.

Unmanned Aerial Systems shall only be utilized for law enforcement purposes.

611.6 REQUEST PROCESS

Pursuant to BMC 2.99, the Surveillance Technology Ordinance governing the use of drones, the following steps must occur to seek permission to temporarily use a drone. The requests shall be made to the City Manager via the Chain of Command, as follows:

- (a) All requests shall be routed to the Watch Commander, if they are not available, the Duty Command Officer (DCO)
- (b) The Watch Commander or DCO should contact the Chief of Police, or the Acting Chief of Police in his/her absence.

Berkeley Police Department

Law Enforcement Services Manual

Unmanned Aerial System (UAS) Operations

- (c) The Chief of Police, Acting Chief of Police, or in exigent circumstances the DCO shall obtain approval from the City Manager authorizing the use of a Drone. The City Manager is responsible for logging the use and ensuring the notifications and reporting requirements are met pursuant to BMC 2.99.040.

611.7 RETENTION OF UAS DATA

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

Surveillance Use Policy-Unmanned Aerial System (UAS)

1303.1 PURPOSE

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

1303.2 AUTHORIZED USE

The use of the UAS shall only occur as the result of a mutual assistance request, and no BPD personnel will be allowed to operate a UAS. UAS may only be requested for the purposes of remote surveillance and monitoring in the following specified situations:

- (a) Mass casualty incidents (e.g. large structure fires with numerous casualties, mass shootings involving multiple deaths or injuries);
- (b) Disaster management;
- (c) Missing or lost persons;
- (d) Hazardous material releases;
- (e) Sideshow events where many vehicles and reckless driving is present
- (f) Rescue operations;
- (g) Training;
- (h) Hazardous situations which present a high risk to officer and/or public safety, to include:
 - i. Armed suicidal persons;
 - ii. Hostage situations;
 - iii. Barricaded suspects;
- (i) Arrest of armed and/or dangerous persons
- (j) Service of high risk search and arrest warrants involving armed and/or dangerous persons
- (k) Other unforeseen exigent circumstances

Unmanned Aerial Systems shall only be utilized for law enforcement purpose.

1303.3 DATA COLLECTION

If equipped, it shall be the request on all BPD deployments that the "video recording only" function of the UAS be activated whenever the UAS is deployed, and deactivated whenever the UAS deployment is completed. The UAS operator will rely on SD Cards for video recordings.

Berkeley Police Department

Law Enforcement Services Manual

Surveillance Use Policy-Unmanned Aerial System (UAS)

1303.4 DATA ACCESS

Access to UAS data shall be limited to Berkeley Police Department (BPD) personnel and the mutual assistance agency, in connection with an active investigation. Information may be shared in accordance with 1303.9 below. It shall be at the discretion of the Commander or senior supervisor to discern which members have a need to know, and limit access to those members. BPD is prohibited from selling any data obtained from the UAS.

1303.5 DATA PROTECTION

Whenever feasible, the data from the UAS should be encrypted by the vendor or operator. The data should only be accessible to BPD personnel who have been granted security access.

1303.6 CIVIL LIBERTIES AND RIGHTS PROTECTION

The Berkeley Police Department is dedicated to the most efficient utilization of its resources and services in its public safety endeavors. The Berkeley Police Department recognizes the need to protect its ownership and control over shared information and to protect the privacy and civil liberties of the public, in accordance with federal and state law. The procedures described within this policy (Data Access, Data Protection, Data Retention, Public Access and Third-Party Data Sharing) protect against the unauthorized use of Unmanned Aerial Systems (UAS). These procedures ensure the data is not used in a way that would violate or infringe upon anyone's civil rights and/or liberties, including but not limited to potentially disparate or adverse impacts on any communities or groups.

1303.7 DATA RETENTION

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

1303.8 PUBLIC ACCESS

UAS data which is collected and retained under this policy is considered a "law enforcement investigatory file" pursuant to Government Code § 6254, and shall be exempt from public disclosure. UAS data which is retained pursuant to this policy shall be available via public records request pursuant to applicable law regarding Public Records Requests as soon as the criminal or administrative investigation has concluded and/or adjudicated.

All requests and deployments shall be reported annually in the Surveillance Technology Report as outlined in BMC 2.99.070. Additionally, the Department shall publish data regarding the specific requests and deployments on the Department's transparency portal within 14 days of use.

1303.9 THIRD-PARTY DATA-SHARING

Data collected from the UAS may be shared with the following:

Berkeley Police Department

Law Enforcement Services Manual

Surveillance Use Policy-Unmanned Aerial System (UAS)

- (a) The District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence;
- (b) Other law enforcement personnel as part of an active criminal investigation;
- (c) Other third parties, pursuant to a Court Order or Search Warrant.

1303.10 TRAINING

The use of a UAS shall only occur as the result of a mutual assistance request, and no BPD personnel will be allowed to operate a UAS. All BPD personnel shall be provided with this Surveillance Use Policy. BPD recognizes that the assisting agency will need to satisfy their respective training requirements to operate the UAS, however BPD personnel shall follow this policy and all relevant policies, including Records Management, Policy 804 while access or retaining any of the captured data from the UAS.

1303.11 AUDITING AND OVERSIGHT

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

The security and integrity of the Surveillance Technology and collected information will be completed in the form of a random biennial audit of the uses from the Audit and Inspection's Sergeant. This audit will be routed to the Captain of Professional Standards Bureau and the Chief of Police for review.

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

1303.12 MAINTENANCE

UAS's will only be used in a mutual assistance request, and thereby must be obtained from the City Manager via the Chain of Command. All UAS maintenance shall be conducted by the owner/operator of the device consistent with all other mutual assistance response agreements.

Legislative Updates Relevant to the PAB's Work



MEMORANDUM

Date: September 12, 2025
To: Honorable Members of the Police Accountability Board
From: Hansel Aguilar, Director of Police Accountability *Ha*
 Jose Murillo, ODPa Policy Analyst *JM*
Subject: Legislative Updates

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

State Legislative Updates¹

The following bills relevant to the PAB's work have been introduced in the state of California:

NAME OF LEGISLATION	STATUS	SUMMARY/PURPOSE
<u>SB 385 "Peace Officers"</u>	<i>(Engrossed) 2025-07-17 - Ordered to third reading.</i>	This bill, SB 385, requires peace officers hired on or after January 1, 2029, to obtain a modern policing degree or a bachelor's or advanced degree from an accredited institution within 36 months of employment. It builds on existing certification and education requirements and takes effect immediately as an urgency statute.
<u>AB 992 "Peace Officers"</u>	<i>(Engrossed) 2025-09-04 – Read second time. Ordered to third reading.</i>	This bill requires peace officers hired on or after January 1, 2031, to obtain, within 36 months of receiving their basic POST certificate, a qualifying educational

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

		credential such as a degree, professional policing certificate, or equivalent military or out-of-state law enforcement experience. It broadens the pathways available compared to SB 385, includes exemptions for certain categories of officers, and establishes a statewide task force to support recruitment.
<u>AB1178 “Peace Officers: Confidentiality of Records”</u>	<i>(Engrossed) 2025-09-08 - Read second time. Ordered to third reading.</i>	This bill expands redaction requirements under the California Public Records Act, requiring law enforcement agencies to remove identifying details of undercover officers, task force members, and those with verified death threats. It imposes a state-mandated local program and includes legislative findings justifying access limitations.
<u>SB707 “Open Meetings: Meeting and teleconference requirements”</u>	<i>(Engrossed) 2025-08-20 - 2025-09-05 - Ordered to third reading..</i>	SB 707 expands public meeting access by requiring remote participation, interpretation services, and multilingual agendas for local government bodies until 2030. It revises teleconferencing rules and extends provisions for emergencies and just cause absences.
<u>SB-627 “Law enforcement: masks.”</u>	<i>. 2025-09-05 - Ordered to third reading.</i>	SB 627 would make it a misdemeanor for law enforcement officers to wear masks or personal disguises while interacting with the public, with certain exceptions, and expresses intent to allow protective gear for SWAT officers and require visible identification on uniforms.
<u>SB524 “Law Enforcement Agencies: Artificial Intelligence”</u>	<i>(Engrossed) 2025-09-08 - In Senate. Concurrence in Assembly amendments pending.</i>	This bill requires law enforcement agencies to adopt policies on the use of AI in preparing official reports, including disclosure statements, officer signatures, retention of AI-generated drafts, and audit trails. It also restricts vendors from using agency data

		and provides for state reimbursement of mandated local costs.
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Additional legislation pertaining to public safety in the state of California may be monitored here: <https://legiscan.com/CA/legislation>.

The BPD's Policy and Training Bureau prepared a legislative update summarizing legal changes affecting law enforcement in 2024 and 2025. Based on the California Peace Officers' Association's 2024 and 2025 Legislative Update Manual, it highlights key updates from both years but does not cover every legislative change. Unless otherwise noted, the changes outlined in the updates took affect January 1, 2024 or January 1, 2025. The following BPD Policies include the legislative updates:

SOURCE	LINK
BPD Policy 1505 “2024 Legislative Update”	https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=1037
BPD Policy 1506 “2025 Legislative Update”	https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=1041
The California Peace Officers Association also provides a yearly California Legislative and Legal Digest.	https://cpoa.org/wp-content/uploads/2024/11/2025-Legislative-Legal-Digest.pdf

Lexipol Policy Updates

The following policies have been updated since the PAB's last meeting on September 3, 2025:

BPD Policy Number	Policy Title	Description of Change
703	Vehicle Use	Section 703.3.9, “Parking,” was amended to offer more detailed guidance on parking restrictions.

City of Berkeley Council Meeting Updates

The following items being considered by the City Council are relevant to the PAB:

City Council Regular Meeting of September 16, 2025²

No scheduled items are directly relevant to the PAB's work.

City Council Special Meeting of September 16, 2025³

Item No.	Item Description	Recommendation
1.a	Presentation: Comprehensive Summary of Berkeley's Homeless Response (Continued from July 29, 2025)	No recommendation presented.
1.b.	Homeless Response Team: Opportunities Exist to Strengthen Procedures and Better Track Outcomes (Continued from July 29, 2025)	We recommend City Council request that the City Manager report back during the audit follow-up period in Fall 2026, and annually thereafter, regarding the status of our audit recommendations until reported fully implemented by the Homelessness Response Team and the City Manager's Office. The audit includes six recommendations to improve coordination with service providers, strengthen data procedures, expand and standardize outcome reporting, enhance public transparency, and assess staffing resources needed to support these efforts. The City Manager's Office agreed to our findings and recommendations. Please see our report for their complete response.

City of Berkeley Council Committee Meeting Updates

² City Council Regular Meeting eAgenda September 16, 2025: <https://berkeleyca.gov/city-council-regular-meeting-eagenda-september-16-2025>

³ City Council Special Meeting eAgenda September 16, 2025: <https://berkeleyca.gov/city-council-special-meeting-eagenda-september-16-2025>

The following items being considered by City Council Committees are relevant to the PAB:

September 15, 2025 Agenda & Rules Committee Meeting Agenda Packet

The following items are listed for the draft agenda of September 30, 2025:

Item No.	Item Description	Recommendation
1	Proposed Sanctuary City Ordinance – Council Referral; Adding Berkeley Municipal Code Chapter 13.114	Adopt the second reading of Ordinance No. 7,984-N.S. adopting a Sanctuary City Ordinance (BMC 13.114) to codify the City's sanctuary policy into the Berkeley Municipal Code.
15	Resolution calling on the California State legislature to Amend Government Code Section 12519 to Allow Heads of Civilian Oversight Agencies to Directly Request Investigative Assistance from the Attorney General's Office	Adopt a Resolution calling on the California State Legislature to Amend Government Code Section 12519 to allow heads of civilian oversight agencies to directly request investigative assistance from the Attorney General's Office
16	Resolution Directing the City Manager to Work with the City Attorney's Office to Establish a Communications Policy, Corresponding Training, and Compliance Mechanisms to Ensure Impartiality and Neutrality During the Pendency of an Active Personnel Investigation.	Adopt a Resolution directing the City Manager to work with the City Attorney's Office to establish a communications policy, corresponding training, and compliance mechanisms to ensure impartiality and neutrality during the pendency of an active personnel investigation.
17	Unmanned Aerial Systems and Drones as First Responders	<i>Summarized Recommendation:</i> Refer to the City Manager to initiate the Surveillance Technology Ordinance (BMC 2.99) process for the Berkeley Police Department to explore acquiring and using Unmanned Aerial Systems (UAS), including Drones as First Responders. The process would require a use policy and acquisition report addressing interdepartmental

		applications, legal and privacy considerations, equity impacts, community engagement, and annual public reporting on deployments, operations, outcomes, compliance, training, and data handling.
21	Informational Report – Audit Recommendation Status – Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities	None.

Policy Review Status Updates

Updated September 9, 2025



POLICY REVIEW STATUS REPORT

Guiding Authority

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

Case Load Overview

As of September 9, 2025, the Police Accountability Board (PAB) has eight (8) open policy reviews.

Note: ODPa staff is evaluating expected completion timelines in line with PAB priorities for 2025. Additionally, staff is reviewing 2025 legislative updates for alignment and their impacts on the open policy reviews.

Policy Review Number	2023-PR-0007 ²
Policy Topic	Restraining Orders & Interactions with the Elderly
Relevant Policy	BPD Policy 313 "Senior and Disability Victimization" BPD Policy 430 "Civil Disputes"
Status	Review In Progress; Records Obtained
Date Presented to the PAB	7/24/2024
Anticipated Completion	March 5, 2025
Assigned To	ODPA
Summary	
The complainant reports ongoing disturbances, harassment, and restraining order violations by a neighbor's caretaker, raising concerns about enforcement by the	

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

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

Updated September 9, 2025

Berkeley Police Department. This policy review will examine BPD's handling of interactions with elder adults and its practices regarding restraining orders, as the complainant indicates possible misunderstandings of order terms. Despite multiple encounters and existing orders, the complainant reports continued issues with enforcement.

Activity Report

The report has been finalized and will be presented at the PAB's September 17th Regular Meeting.

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

Summary

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

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

Policy Review Number	2024-PR-0003
Policy Topic	Computer Voice Stress Analyzers (CVSA)
Relevant Policy	BPD Policy 807 "Computer Voice Stress Examinations"
Status	Completed
Date Presented to the PAB	5/22/2024
Anticipated Completion	Completed; to be presented on September 17, 2025.
Assigned To	PAB

Summary

Updated September 9, 2025

The policy review examines the Berkeley Police Department's use of CVSA and evaluates the effectiveness of this technology.

Activity Report

The report has been finalized and will be presented at the PAB's September 17th Regular Meeting.

Policy Review Number	2024-PR-0004
Policy Topic	Artificial Intelligence (AI) Assisted Report Writing
Relevant Policy	BPD Policy 323 "Report Preparation"
Status	Completed
Date Presented to the PAB	6/5/2024
Anticipated Completion	Completed; to be presented on September 17, 2025.
Assigned To	ODPA

Summary

This review aims to assess the feasibility of AI-assisted report writing and identify potential benefits and concerns associated with its use by law enforcement.

Activity Report

The report has been finalized and will be presented at the PAB's September 17th Regular Meeting.

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

Summary

The ODPA received a complaint regarding BPD's inability to provide past officer rosters in response to a PRA request, as the records are no longer maintained. The complainant recommended that BPD adopt a policy to retain and provide such rosters upon request.

Activity Report

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

Policy Review Number	2025-PR-0001
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Updated September 9, 2025

Policy Topic	Contact Between Complaint Subject Officer and Complainant During Calls for Service
Relevant Policy	BPD Policy 1004 "Anti-Retaliation" BPD Policy 1010 "Personnel Complaints"
Status	Open
Date Presented to the PAB	02/19/2025
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB Member w/ Support of ODPA
Summary	
The Complainant reported two interactions with BPD in January 2025, involving officers who were either subjects of their prior complaints to the PAB or involved in other litigation. They expressed concerns about potential retaliation or bias, believing they should not interact with officers they had previously filed complaints against.	
Activity Report	
Board Member Calavita updated the PAB during its regular meeting on April 23, 2025. Policy Analyst Murillo and Board Member Calavita will collaborate to draft potential language and consult with BPD about feasibility and any potential concerns. ODPA Staff drafted and forwarded that request on May 12, 2025 and is awaiting a response.	

Policy Review Number	2025-PR-0004
Policy Topic	Public Recording of Police Activity
Relevant Policy	BPD Policy 426 "Public Recording of Police Activity"
Status	Open
Date Presented to the PAB	6/25/2025
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB Member w/ Support of ODPA
Summary	
The Complainant expressed concerns with the Berkeley Police Department's General Order D-2, "Public Recording of Police Activity," (now BPD Policy 426), following an incident on June 4, 2025, in which they allege they were physically prevented by three officers from observing and documenting police activity at 8th and Harrison Street. The Complainant argues that the policy fails to clearly affirm the First Amendment rights of onlookers and does not adequately direct officers to limit the use of "police lines" to situations where such restrictions are necessary for officer safety or to protect the integrity of an investigation.	
Activity Report	

Updated September 9, 2025

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

Policy Review Number	2025-PR-0005
Policy Topic	Encampment Clearing Operations
Relevant Policy	Practice and procedure review
Status	Open
Date Presented to the PAB	6/25/2025
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB Subcommittee
Summary	
The Complainant raised concerns about a June 4, 2025, multi-department operation at an encampment on 8th and Harrison Streets, alleging excessive force, improper use of less-lethal weapons, suppression of public observation, and lack of notice to residents in violation of due process. They further argued that accountability should extend beyond individual officers to command staff who design and authorize operational plans, and recommended the PAB adopt policies creating a new category of misconduct for such leadership decisions.	
Activity Report	
The subcommittee has met and identified preliminary data and information needs. ODPa staff collected the requested materials and provided them to the subcommittee.	

Updated September 9, 2025

The following policy reviews have been temporarily suspended and will be reconsidered at the 2026 PAB Planning Session

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

List of Pending PAB Request



MEMORANDUM

Date: September 9, 2025
To: Honorable Members Police Accountability Board (PAB)
From: Hansel Aguilar, Director of Police Accountability (DPA) *Ha*
 Jose Murillo, ODPA Policy Analyst *JM*
 Syed Mehdi, ODPA Data Analyst *SM*
Subject: Summary of PAB Requests (October 2024 - September 2025)

This memorandum summarizes eight requests that remain active made by the Police Accountability Board (PAB) during nineteen meetings held between October 9, 2024, and September 3, 2025. Eighteen of which were PAB Regular Meetings and one was a PAB Special Meeting. The distribution of requests by stakeholder is as follows: Six requests were directed to the Office of the Director of Police Accountability (ODPA), two to the Berkeley Police Department (BPD), one to the Mayor's Office one to the City Clerk's Office and one to the City Attorney's Office. This consolidated log supports clearer tracking, coordination, and follow-up by all relevant parties.

PAB Requests (Oct 2024 – September 2025)

No.	Meeting Date/Link	Request to	Request (Time Stamp)	Status/Note
1	1/8/2025 PAB Regular Meeting Recording: https://youtu.be/56WiTDQB_jo?si=Go90zuEmVgEhNRjH 1/8/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%202025-01-08%20Regular%20MeetingMinutes.pdf	ODPA/ BPD	The PAB requested that staff collaborate with the Berkeley Police Department prior to establishing a public-facing webpage containing information on Restraining Orders and related resources. (1:20:33 - 1:21:30)	Open - This request is still active.

2	2/19/2025 PAB Regular Meeting Recording: https://youtu.be/9jOYSyLtZc0?si=JtMEtoSvHbkYpDWL 2/19/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-19%20Regular%20Meeting%20Minutes.v2.pdf	ODPA	The PAB requested that staff explore whether other agencies have comparable policies on conflicts of interest when officers are responding to calls made by a party who has filed a complaint against them. (1:11:30 - 1:12:08)	Open – In relation to 2025-PR-0001 This request is still active because the Board requested this as part of the policy review.
3	2/19/2025 PAB Regular Meeting Recording: https://youtu.be/9jOYSyLtZc0?si=JtMEtoSvHbkYpDWL 2/19/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-19%20Regular%20Meeting%20Minutes.v2.pdf	Mayor's Office	The PAB requested that staff coordinate with the Mayor's Office to obtain advance notice of meeting agendas. (43:20 - 44:30)	Open - This request is still active.
4	5/07/2025 PAB Regular Meeting Recording:	City Clerk's Office	The PAB requests the opportunity to provide input on the records retention schedule.	Open – This request is still active

	https://www.youtube.com/watch?v=pL5VhNQDU60 5/07/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-05-07%20Regular%20Meeting%20Minutes.v2.pdf		The ODPa is asked to contact the City Clerk's Office to determine the status, scope, and timeline of the project, including whether any consultants or departments will be involved, in order to identify opportunities for engagement. (22:19 – 24:41)	Link to Memorandum Titled "Records Retention Schedule of the BPD, PAB and ODPa": https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-05-07%20PAB%20Regular%20Meeting%20Packet%20-%20SUPP%201.pdf#page=3
5	5/21/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=mFBeoH6IXWI 5/21/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT_2025-05-21_Regular_Meeting_Minutes_Updated.pdf	ODPA	The PAB requests that ODPa staff look into department retention schedules of nearby jurisdictions, what NACOLE recommendations constitute. (1:37:21-1:37:54)	Open – This request is still active.
6	8/07/2025 PAB Regular Meeting Recording: https://youtu.be/Co3zdZshodU?si=PxoU9YBCCcgs7E_t 8/07/2025 PAB Regular Meeting Draft Minutes:	ODPA	The PAB requests that ODPa staff make technical corrections and additional edits consistent with the Board's discussion, as deemed appropriate by the Director. These edits include changes to language and	Open – ODPa Staff implemented changes; submission to City Council is still pending and is being coordinated by the Mayor's office.

	https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT 2025-08-07 PAB Special Meeting Minutes.pdf		wording, stylistic adjustments, and revisions to the data aggregation process. Once the changes are implemented, ODPa will submit the Annual Report to the City Council.	
7	9/03/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=0xsKsHlnr7c&t=1824s 9/03/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%2025-09-03%20Regular%20Meeting%20Minutes.pdf	ODPA, BPD, CAO	The PAB requests that ODPa staff refer to the Berkeley Police Department and City Attorney's Office for further inquiry with a response in 30 days regarding 2025-PR-0006 (LED Flashing Lights) (44:14 – 45:35)	Open – ODPa Staff will work with other stakeholders once all materials have been finalized.
8	9/03/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=0xsKsHlnr7c&t=1824s 9/03/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%2025-09-03%20Regular%20Meeting%20Minutes.pdf	ODPA	The PAB requests that ODPa staff prepare and publish a list of outstanding questions that were submitted to the City Attorney's Office regarding the regulations, including the dates of submission. (29:31-31:25)	Open – Staff will compile the list, including submission dates and status. The list will be provided to the PAB by the next scheduled meeting following the September 17, 2025 meeting.