



# Police Accountability Board Policy Manual

Last updated April 21, 2026

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The Police Accountability Board (PAB) promotes public trust through independent, objective, civilian oversight of the Berkeley Police Department (BPD); provides community participation in setting and reviewing BPD, practices, and procedures; and provides a means for prompt, impartial and fair investigation of complaints brought by members of the public against Berkeley police officers.

## **1.1 Governing Authority**

Authorities governing the PAB in carrying out its work:

- Enabling Legislation [City Charter Section 125, Article XVIII] [\[Charter\]](#)
- Berkeley Municipal Code [\[Berkeley Municipal Code\]](#)
- Interim Regulations for Handling Complaints Against Sworn Officers of the Police Department [\[Interim Regulations\]](#)
- [Commissioners' & Board Members' Manual](#)

# SECTION 2

## Police Accountability Board



### Section 2. POLICE ACCOUNTABILITY BOARD

#### 2.1 COMPOSITION

The Police Accountability Board (PAB) consists of nine members. Each member is nominated by the Mayor or a City Councilmember and approved by the full City Council. Board members are residents of the City of Berkeley, at least 18 years old, who have pledged to be fair-minded and objective, with a demonstrated commitment to community service. See [here](#) for current Board membership.

*(Source: [Charter §125 \(5\)\(a\)](#))*

#### 2.2 BOARD MEMBER TERMS

Each member is appointed for a term of four years or upon expiration of the appointing councilmember's term, whichever is earlier. A Board member whose term has expired may continue to serve until a successor Board member is appointed, unless the sitting Board member's term expires due to term limits.

*(Source: [Charter §125 and Commissioners' Manual Chapter II.A.6](#))*

#### 2.3 RESIGNATION OF BOARD MEMBERS

A Board member, including an officer, may resign at any time by giving written notice to the City Clerk and to the appointing Councilmember or the council, as appropriate.

*(Source: [Commissioner's Manual Chapter II.A.14](#))*

#### 2.4 RESPONSIBILITIES OF THE BOARD

The following list of PAB responsibilities includes both discretionary and mandatory activities, as reflected in annotations.

##### MANDATORY RESPONSIBILITIES

- Receiving and considering the findings and recommendations of the Director of Police Accountability regarding complaints filed by members of the public against sworn employees of the Police Department and recommending to the Chief of Police if discipline is warranted when misconduct is found, and pursuant to Section 18, the level of discipline for sustained findings of

misconduct. The process for conducting personnel investigations is detailed in **Appendix B**.  
(Source: [Charter §125 \(14\)\(h\)](#) and [3\(a\)](#))

- Along with the Director of Police Accountability (DPA), adopting regulations for handling complaints filed with the DPA (Source: [Charter §125 \(18a\)](#))
- Consulting with the City Manager on the job requirements, application process, and evaluation of candidates for the Chief of Police during a vacancy. (Source: [Charter §125 \(22\)](#))
- Approving the annual report prepared by the DPA. (Source: [Charter §125 \(16\)\(c\)](#))
- Reviewing and making recommendations on newly adopted policies submitted by the Chief of Police. (Source: [Charter §125 \(\(17\)\(a\)\)<sup>1</sup>](#))
- Establishing a regular means of recognizing sworn employees of the BPD for instances of outstanding service. The process for commendations is detailed in **Appendix E**. (Source: [Charter §125 \(26\)](#))
- Conducting a review of its internal processes every two years. (Source: [Charter §125 \(28\)](#))
- Receiving Surveillance Use Policies and corresponding Surveillance Acquisition Reports for each new surveillance technology before it goes to the City Council for approval. (Source: [Berkeley Municipal Code §2.99.030\(2\)](#))
  - No later than 30 days after receipt, the PAB must vote to recommend approval of the policy, object to it, suggest modifications, or take no action.
- Reviewing and making recommendations regarding Controlled Equipment Impact Reports and Controlled Equipment Use Policies before the City Council approves the acquisition or use of any Controlled Equipment based on specific criteria as outlined in [Berkeley Municipal Code § 2.100](#). (Source: [Berkeley Municipal Code §2.100.050\(D\)](#))
- Reviewing the BPD's annual report on Controlled Equipment and determining whether each piece of controlled equipment reported on has complied with the standards for approval set forth in [Berkeley Municipal Code section 2.100.060\(B\)](#).
  - If the PAB determines that any Controlled Equipment has not complied with the standards for approval set forth it shall either recommend revocation of the authorization for that piece of Controlled Equipment or modify the Controlled Equipment Use Policy in a manner that will resolve the lack of compliance. (Source: [Berkeley Municipal Code §2.100.060\(B\)\(3\)](#))
- Reviewing and updating the Use of Force Policy annually. (Source: [Berkeley Police Department Policy Number 300.13](#))
- Establishing rules of procedure governing the conduct of its business, which shall be subject to ratification by the City Council. (Source: [Charter §125 \(13\)\(c\)](#))

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<sup>1</sup> Section 17(a) of the Charter states that the Chief of Police shall submit all newly adopted Departmental policies and revisions to the Board within thirty (30) days of implementation. Although not explicitly noted, section 17(b), suggests that the Board may make recommendations regarding these policies if desired.

## DISCRETIONARY RESPONSIBILITIES

- Advising and making recommendations to the public, City Council, and City Manager regarding the operation of the BPD, including all written policies, practices, and procedures. The PAB may also initiate a review of a BPD policy, practice, or procedure upon a majority vote of its members. The process for conducting policy reviews is outlined in **Appendix C**. (Source: [Charter § 125\(3\)\(a\)](#))
- Reviewing and recommending for City Council approval all agreements, letters, memoranda of understanding, or policies which express terms and conditions of mutual aid, information sharing, cooperation and assistance between the BPD and all other local, state and federal law enforcement, intelligence, and military agencies or private security organizations. (Source: [Charter §125 \(3\)\(a\)](#))
- Recommending the removal for cause of the DPA to the City Council. (Source: [Charter §125 14\(d\)](#))
- In cases where the Chief of Police's investigation results in a finding of "not sustained," "unfounded," or "exonerated," reviewing objections accepted by the DPA. A complainant may contest the Chief's determination to the DPA within twenty (20) days of notification. If the DPA accepts the objection, the Police Accountability Board will convene to conduct a review based on the investigative record provided by the Department. (Source: [Charter §125 \(19e\)](#))
- Accessing records of City Departments, compelling attendance of sworn employees of the Police Department, and exercising the power of subpoena as necessary to carry out its functions. (Source: [Charter §125\(3\)\(a\)](#))
- Attending Selection Board interviews for Special Response Teams. (Source: [Berkeley Police Department Policy 404.8](#))
- Proposing a budget to the City Council for PAB operations. (Source: [Charter §125 \(4\)\(b\)](#))
- Reviewing and making recommendations to the City Council regarding the Police Department budget.
  - The Chief of Police shall submit a final budget proposal to the Board for review and recommendations, but the Board's failure to complete that review and make recommendations in a timely manner shall not delay the budget process. (Source: [Charter §125 \(21\)](#))

## 2.5 RESPONSIBILITIES OF BOARD MEMBERS

Each Board member is responsible for:

- Being familiar with the mission and purpose of the PAB.
- Participating in all Board meetings, serving on Board standing or ad hoc subcommittees, and attending meetings of assigned Board subcommittees, including preparing for meetings in order to make sound decisions.
- Being familiar with the existing governance structure of the Board and the Office of the Director of Police Accountability (OPDA).
- Being familiar with the PAB Policy Manual.
- Being familiar with the City of Berkeley's Commissioners' Manual.
- Being familiar with the requirements of the Brown Act.
- Bringing diverse experience, skills, and expertise to bear when determining policy

- Recognizing the equal role and responsibility of each Board member.
- Ensuring public trust, fairness, and equity, by making decisions based on information presented at a duly noticed public meeting.

## 2.51 CONFLICTS OF INTEREST

Board members shall maintain basic standards of fair play and impartiality, and avoid bias and the appearance of bias.

In instances where the Board acts in a quasi-judicial capacity, as in a confidential personnel hearing, Board members have the responsibility to hear all viewpoints. To ensure that all parties are afforded an opportunity to be heard, Board members shall observe the following:

- (1) Board members who recuse themselves for a conflict of interest must do so immediately when an item is taken up.
- (2) Board members shall verbally disclose all ex parte contacts concerning the subject of a hearing. Board members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Ex parte contacts include, but are not limited to, any contact between a Board member and any party involved in the complaint prior to the hearing.
- (3) Board members shall be recused from taking any action on or participating in a matter before the Police Accountability Board if they are related to a party to, advocate for, or represent a member of the public who has a pending or anticipated claim of any kind arising out of alleged misconduct of a sworn employee of the Police Department. For the purpose of this subsection, "related to" shall include a spouse, child, sibling, parent or other person related to the complainant or the complainant's spouse within the third degree of relationship.

**(Source: [Charter §125\(8\)](#))**

See section G.1 of the Interim Regulations for Handling Complaints Against Sworn Officers of the Police Department for additional information about conflict of interest procedures as related to personnel investigations and hearings.

See the Commissioners' Manual Chapter II.E for additional information about the city's overall conflict of interest prohibitions.

## 2.52 CALENDAR OF BOARD MEETINGS

The annual meeting calendar for the PAB is determined by the enabling charter which requires 18 meetings per year, as well as the City Council's recess schedule. The Board's standard practice has been to meet on the second and fourth Wednesday of each month, with exceptions as needed for holidays, recesses, or other scheduling conflicts. The multiyear Board schedule can be viewed [here](#).

**(Source: [Charter §125\(13\)\(a\)](#))**

## 2.53 OFFICER SELECTION

The officers of the PAB are chair, and vice-chair. Officers are elected each January by the majority of the PAB for a one-year term, or until their successor is elected. No chairperson is eligible to serve more than two consecutive terms, or portions thereof.

*(See Commissioners' Manual Section II.F.1. for more information and Charter section 125(10))*

## 2.54 RESPONSIBILITIES OF THE CHAIR

The Board chair is responsible for presiding over all meetings of the Board, other duties enumerated in [Commissioners' Manual Chapter II Section F.3.](#) and the following:

- Facilitating decision-making by the Board.
- Encouraging diverse opinions among Board members.
- Resolving disputes and managing conflict among Board members.

The Board chair may fully participate in the decision-making of the Board, including participating in debate, discussion, and voting.

## 2.55 RESPONSIBILITIES OF THE VICE-CHAIR

The vice-chair is responsible for:

- Acting in the absence of the chair.

## 2.56 BOARD SUBCOMMITTEES

The chair may appoint members of the Board to serve as members of subcommittees subject to the approval of PAB. The chair should solicit interest from Board members when making subcommittee assignments. The PAB has both standing subcommittees and ad hoc subcommittees.

*A standing subcommittee* is a committee established on an ongoing basis to address a defined area of responsibility within the organization's regular work. Standing subcommittees have continuing jurisdiction, meet as needed over time, and carry out duties assigned by the PAB.

*An ad hoc subcommittee* is a committee established for a specific purpose or task, with a limited scope and duration. An ad hoc subcommittee ceases to exist upon completion of its assigned work or upon the occurrence of a specified event.

At the start of each Board year, the incoming chair facilitates a discussion with the Board regarding the number of and scope of PAB standing and ad hoc subcommittees to determine if any changes are needed.

In accordance with the City Charter, the chair may appoint members of the public to standing subcommittees in which they have expressed an interest. Such appointments are subject to approval of the Board. Members of the public seeking to serve on a standing subcommittee must:

- a) be residents of the City of Berkeley; and
- b) present themselves at a Board meeting before or at the time of the appointment and speak on the public record on the intent to serve and what they will bring to the subcommittee work and deliberations.

Other provisions governing public member participation include:

- a. Members of the public appointed to subcommittees are non-voting members and may not be selected to be subcommittee chair.
- b. Board members must constitute a majority of membership of any subcommittee. A quorum of voting members is required to convene an official meeting and to take formal action. A smaller group of committee members may convene informally to conduct business even if Board members are not a majority of subcommittee members present.
- c. The term of appointment for members of the public appointed to subcommittees shall not exceed the life of the subcommittee. If a subcommittee must be reauthorized, any members of the public serving on the subcommittee must be reappointed by the chair, subject to approval of the Board.
- d. A public member of a subcommittee who is absent from two consecutive subcommittee meetings is automatically removed from the subcommittee, but may be reinstated by the chair if good cause for the absences is shown.
- e. The chair, subject to the approval of the Board, may remove a member of the public from a subcommittee for good cause. Examples of good cause are: failure to work cooperatively with subcommittee members, unruly or disruptive behavior at meetings; or failure to participate in the work of the subcommittee.
- f. All actions by the chair to appoint, reappoint, or remove a member of the public to or from a subcommittee shall occur at a Board meeting.

(Source: [Charter §125\(13\)\(d\)](#) and [Commissioners' Manual Chapter II.F.5](#))

# SECTION 3

## Meeting Procedures



### Section 3. MEETING PROCEDURES

#### 3.1 APPLICABILITY OF THESE PROCEDURES

These meeting procedures apply to meetings of the Board and its subcommittees.

#### 3.2 BROWN ACT AND OPEN GOVERNANCE ORDINANCE

The Brown Act (Government Code sections 54950 et seq.) is the state's open meeting act. The Brown Act applies to all city boards and commissions. The Brown Act sets forth notice and agenda requirements, provides for public comment, requires that meetings be conducted in open session (except where closed session is expressly authorized), and prohibits discussing or taking action on matters not included on the agenda. The provisions in this policy manual concerning meeting procedures are intended to restate and supplement the Brown Act. To the extent any provision in the Board Policy Manual may be inconsistent with the Government Code, the Brown Act shall prevail.

Berkeley's Open Government Ordinance ensures that community members can access public meetings and documents. This local ordinance provides additional regulations on top of the State of California's Brown Act and Public Records Act. Read the full text of the [Berkeley Open Government Ordinance](#).

For more information see [Commissioners' Manual Chapter IV](#).

#### 3.3 MEETING LOCATIONS

Police Accountability Board meetings are held in person in public buildings. Members may attend remotely in accordance with [Government Code § 54953](#).

*(Source: [Commissioners' Manual Chapter V.B.1](#))*

#### 3.4 BOARD MEMBER ATTENDANCE AT BOARD MEETINGS

Board members shall, to the extent practicable, attend all Board meetings. Board members unable to attend a meeting should notify the chair, the Director of Police Accountability (or their designee), and the Board secretary, as soon as possible. The Board secretary is the staff member designated by the Director of Police Accountability to provide administrative support to the Board.

Members should notify the chair or Board secretary when they leave a meeting permanently prior to its official adjournment.

### 3.41 DEFINITION OF A QUORUM

A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally valid. For the PAB and its subcommittees, a quorum is one more than half of the body of the seats filled.

(Source: [Charter §\(13\)\(b\)](#))

### 3.5 AGENDAS

The Board secretary, meaning the staff member designated by the Office of the Director of Police Accountability to provide administrative support to the Board, in consultation with the Board chair prepares agendas for Board meetings. Board members may submit recommended agenda items to the chair for consideration as soon as practicable but at least 7 days prior to the scheduled meeting. Under the Brown Act, agendas cannot be amended within 72 hours of the meeting absent exceptional circumstances.

### 3.6 CLOSED SESSION

All matters discussed in closed session are confidential. Members of the public are not allowed in the meeting room during closed session.

The Brown Act (Gov. Code §54956.9–54957.6) sets forth the following non-exhaustive list of examples of matters that can be considered in closed session:

- Certain personnel matters (*Gov. Code §54957 (b)*)
- Anticipated and pending litigation (*Gov. Code §54956.9*)
- Collective bargaining *Gov. Code §54957.6*)

### 3.7 RECORD OF MEETINGS

Minutes of topics discussed and decisions made at Board meetings shall be maintained by the Board secretary.

Minutes of standing subcommittee meetings shall be maintained by subcommittee chairs and provided to the Board secretary following each meeting.

(Source: *Commissioners' Manual Chapter V.E.2.*)

### 3.8 VOTING ON MOTIONS

With a quorum of the body present at a duly noticed meeting, approval of a motion requires a majority vote of those members who are present and voting.

To vote at a meeting, Board members must be present in person or participating remotely in compliance with Brown Act teleconferencing requirements. Voting by proxy is not allowed. A roll call vote will be taken after each motion. Members' names will be called and each member will state their vote for the motion as follows:

- Support – Yes
- Oppose – No
- Abstain (not counted as a vote)
- Recused (not counted as a vote)

At in-person meetings substitution of the roll is allowed as long as there has been no change in the composition of the body since the last vote or since the call of roll and no members object. Substitution of the roll allows the Board to take action without a roll call vote but, instead, by affirmation of unanimous consent by all who are present.

Substitution of the roll is not permitted at meetings that are held by video- or telephone- conference.

***(Source: Commissioners' Manual Chapter V.A.3.)***

### **3.81 ABSTENTIONS**

An abstention is an intentional decision by a voting member to not cast a vote on a particular issue or motion. This can occur for various reasons, such as feeling a lack of sufficient information on the issue. Abstentions are not counted towards the total number of votes cast. <sup>2</sup>This means that an issue might pass if more members vote in favor than against, regardless of the number of abstentions.

### **3.82 RECUSALS**

A recusal occurs when a Board member removes themselves from participating in discussion and voting on a matter due to a conflict of interest or other legal or ethical obligation. A recused member shall not participate in deliberation or vote on the matter and shall be noted as recused in the official record. Recusal also requires that the Board member leave the room, or virtual meeting space, where the item discussion is occurring. The Board member may not reenter the meeting space until after the consideration (including any votes taken) of the issue has concluded.

### **3.9 MEETING RULES**

The Board and its subcommittees will use [Rosenberg's Rules of Order](#), to the extent they do not conflict with state law (e.g., the Brown Act), as a guide when conducting its meetings.

### **3.10 AUDIO/VISUAL RECORDING OR WEBCAST**

Audio and video of meetings may be recorded and/or broadcast live via Zoom or similar platform.

### **3.11 PUBLIC COMMENT**

The PAB welcomes all public comment at all of its public meetings and appreciates listening to a wide range of viewpoints. The PAB has adopted a public comment policy reflecting these values. The public comment policy applies to all Board and subcommittee meetings. The policy can be found in **Appendix E**.

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<sup>2</sup> This provision differs from that outlined in the Commissioners' Manual which states that a person who is present but abstains or recuses effects the number of yes votes needed. Per Charter §(13)(e), the PAB can establish its own rules of procedure.

# SECTION 4

## Board Planning and Fiscal Oversight



### Section 4. BOARD PLANNING AND FISCAL OVERSIGHT

#### 4.1 STRATEGIC PLANNING

The Board conducts a planning session in the first quarter of its year to review its progress and identify new measures to enhance its efficacy and impact.

##### 4.1.1 POLICE ACCOUNTABILITY BOARD BUDGET OVERSIGHT

The PAB has the power to review and make recommendations to the City Council regarding the Berkeley Police Department budget. Each January the PAB will determine if it will exercise this power with respect to the upcoming budget development cycle.

*(Source: [Charter §125\(21\)](#))*

The PAB also has the power to propose a budget to the City Council for its operations. Each January the PAB will determine if it will exercise this power with respect to the upcoming budget development cycle.

*(Source: [Charter §125\(4\)\(b\)](#))*

# SECTION 5

## ADVOCACY; LEGISLATION and RULEMAKING



### Section 5. ADVOCACY; LEGISLATION AND RULEMAKING

#### 5.1 LEGISLATION

The PAB may make recommendations to the City Council for enacting legislation or regulation that will further the goals and purposes of Article XVIII of the City Charter. The City Council may, based on such recommendations or on its own initiative, enact ordinances that will further the goals and purpose of Article XVIII.

(Source: [Charter §\(29\)](#))

# SECTION 6

## COMMUNICATION



### Section 6. COMMUNICATION

#### 6.1 CONTACT FOR POLICE ACCOUNTABILITY BOARD INQUIRIES

The only persons with standing authority to respond to inquiries made to the Board, or to make public statements on behalf of the Board are the DPA, the PAB chair, or their designees.

While Board members may not speak on behalf of the PAB unless expressly authorized to do so, Board members may communicate regarding matters related to the Board if:

- The communication is clearly designated as the member's individual act, opinion, or position and not that of the Board as a whole; and
- No confidential matter or document is commented upon or published or released without prior Board approval; and
- No ODPF funds are expended to further the communication, unless prior Board approval is obtained.

#### 6.2 USE OF POLICE ACCOUNTABILITY BOARD STATIONERY AND BUSINESS CARDS

PAB official letterhead and business cards are administered by the ODPF and may be used only for official PAB business. All correspondence using PAB letterhead must be transmitted through ODPF staff or a designated Board representative authorized by the Director. Business cards will be made available to Board members upon request.

#### 6.3 ELECTRONIC COMMUNICATIONS (EMAIL)

Board members are encouraged to use their official City of Berkeley email addresses when conducting PAB business. This will ensure that the information created, transmitted, and received by Board members is stored on the City of Berkeley's email server and will enable Board members and the ODPF to easily search for records responsive to California Public Record Act requests without having to search through personal or work-related emails. It will also ensure that Board information is securely and confidentially maintained.

#### 6.4 RESPONDING TO INQUIRIES FROM THE PUBLIC OR MEDIA

All inquiries should be forwarded to the DPA or their designee.

#### 6.5 SPEAKING ENGAGEMENTS AND PUBLIC OUTREACH

Requests for Board or subcommittee members to make presentations on behalf of the PAB should be discussed with and approved by the chair or DPA.

# SECTION 7

## EXPENSE REIMBURSEMENT AND STIPENDS



### Section 7. EXPENSE REIMBURSEMENT AND STIPENDS

#### 7.1 BOARD MEMBER TRAVEL

Board members will be reimbursed for expenses incurred while conducting official PAB business, consistent with [Administrative Regulation 3.9](#) (Attendance and Payment of Expenses Associated with Conferences, Meetings, Seminars, Trainings, and Workshops). To seek reimbursement, all members must submit a completed FN-024 Payment Voucher and Statement of Expense form, with required receipts and supporting documentation, to the Board Secretary within 30 days after the event. Members should employ expense discipline to minimize travel costs. ODPA staff will provide Board members with the current forms, guidance on eligible expenses, and any updates to reimbursement procedure.

*(Source: Administrative Regulation 3.9)*

#### 7.2 TRAVEL ARRANGEMENTS

Board members are responsible for arranging their own travel to and from PAB meetings and events. For conferences that require travel, such as NACOLE, Board members should work with staff to coordinate transportation, lodging, and related expenses. All conference-related expenses must be reviewed and approved by the DPA before attendance or the purchase of any arrangements.

#### 7.3 STIPENDS

Pursuant to Berkeley City Charter section 125(11)(a), Board members are entitled to receive a stipend of \$100 for each regular or special Board meeting attended, and \$20 per hour for each hour of training under section 125(12) or subcommittee meeting attended. Excluding training, the total monthly stipend may not exceed \$300 per Board member. Under section 125(11)(b), stipends and the total monthly amount may be adjusted by the City Council no more than once per fiscal year, with any increase limited to changes in the cost of living for the San Francisco Bay Area as measured by official U.S. economic reports.

The DPA is responsible for submitting quarterly payment forms to the Finance Department and ensuring that each Board member has completed the necessary forms to receive their stipend. Board members are required to complete all onboarding forms, including the vendor registration form, W-9, and ACH Direct Deposit form, and submit them to ODPA staff. ODPA staff will provide these forms and assist in their completion as part of the onboarding process for new Board members.

Pursuant to section 125(11)(b) of the City Charter, stipends shall be calculated based on the total number of regular and special meetings attended, the number of training hours completed, and hours served on subcommittees. Except for training hours, the total monthly stipend for each Board member shall not exceed \$300, unless the Council authorizes an adjustment to this cap. ODPa staff shall maintain attendance records for all regular, special, and subcommittee meetings at which staff support is provided. For subcommittee meetings that do not require ODPa support, it shall be the responsibility of the subcommittee chair to report to the ODPa the attendance of Board members, the number of hours served, and the subcommittee in which the members participated. At the end of each quarter, ODPa will submit a stipend report to the City's Finance department for processing.

PAB members should record training hours [here](#), and subcommittee meeting time [here](#).

**(Source: [City Charter §125\(11\)](#) & *Administrative Regulation 3.2*)**

# SECTION 8

## BOARD MEMBER TRAINING



### Section 8. BOARD MEMBER TRAINING

#### 8.1 BOARD MEMBER TRAINING

(a) The DPA shall establish mandatory training requirements for Board members. Within the first six (6) months of appointment, at a minimum, each Board member shall receive forty (40) hours of training on the following:

- (1) Quasi-judicial duties and obligations of the Board;
- (2) Constitutional rights and civil liberties;
- (3) Fundamentals of procedure, evidence and due process;
- (4) The Public Safety Officers Procedural Bill of Rights Act;
- (5) Police Department operations, policies, practices, and procedures; and
- (6) Duties, responsibilities, procedures and requirements associated with all ranks and assignments.

The DPA shall develop training provided to Board members. The Chief of Police and a representative from the Berkeley Police Association shall have input on training provided to Board members and shall have the opportunity to attend all training provided.

Board members should log training hours completed [here](#).

(Source: [Charter §125 \(12\)\(a\)](#))

#### 8.2 ONGOING BOARD MEMBER TRAINING

As determined by the chair, in consultation with the Director of Police Accountability, ongoing training of the Board will be provided throughout the year to ensure members remain informed and effective in their oversight duties. Topics may include: use-of-force review and de-escalation practices, complaint investigation procedures, civilian oversight best practices, bias-based policing, civil rights and equity in enforcement, ethics, confidentiality and conflict-of-interest standards, and community engagement, transparency, and public communication.

# APPENDIX A

## STANDING SUBCOMMITTEES OF THE POLICE ACCOUNTABILITY BOARD



### APPENDIX A: STANDING SUBCOMMITTEES OF THE POLICE ACCOUNTABILITY BOARD

The PAB may establish standing and ad hoc subcommittees to carry out its work. Subcommittees operate under the authority of the Board, and their recommendations are subject to approval by the full Board. Standing subcommittees are not term delimited. Ad hoc committees are established for a specific purpose and are time bound. In addition to subcommittees, the PAB may designate liaisons to serve as primary points of contact and subject-matter experts for various internal, BPD, or city initiatives.

The subcommittees identified in this appendix are the Standing Subcommittees of the Board.

#### METRICS & OPERATIONS SUBCOMMITTEE

##### CHARGE

The Metrics and Operations Subcommittee develops and maintains the PAB Policy Manual, oversees the process by which the Board conducts voluntary policy reviews (Appendix C), and monitors the effectiveness of Board operations. Its responsibilities may also include reviewing the BPD budget, tracking Board performance metrics, and assessing the implementation of processes. The subcommittee provides recommendations to promote transparency, accountability, and operational efficiency.

#### OUTREACH & ENGAGEMENT SUBCOMMITTEE

##### CHARGE

The Outreach & Engagement Subcommittee leads public engagement and community outreach and education efforts. Its responsibilities include reviewing and recommending commendations for BPD personnel. The commendations review and recommendation process is outlined in [Appendix E](#).

#### POLICY SUBCOMMITTEE

##### CHARGE

The Policy Subcommittee reviews BPD policies, practices, and procedures, often in collaboration with the department, and develops recommendations for the full Board.

# APPENDIX B

## PERSONNEL INVESTIGATIONS



### APPENDIX B: PERSONNEL INVESTIGATIONS

The PAB has authority under the City Charter and [Interim Regulations](#) to review and make findings on complaints against sworn employees of the Berkeley Police Department. The process for conducting these investigations is summarized briefly below and can be found in full in the Interim Regulations.

#### PROCESS

##### Step 1 - Filing a Complaint

Complaints may be submitted by aggrieved parties, as well as eyewitnesses (percipient witnesses) to alleged police misconduct. Complaints may also be initiated by the Board upon a vote of five Board members to authorize an investigation. Complaints must generally be filed within 180 days of the incident, unless tolling exceptions apply. Complainants may opt for mediation instead of investigation.

##### Step 2 - Screening and Investigation

Once a complaint is received, the Director screens it for sufficiency. If accepted, a notice of complaint is issued to subject officers within ten days. Investigations must be completed within 120–195 days, depending on the circumstances. Investigations are expected to be thorough, objective, and fair, and may include:

- Interviews with complainants, witnesses, and officers
- Review of relevant documentation (e.g., reports, photographs, video)
- Field visits to incident locations

##### Step 3 - Findings and Recommendations

At the conclusion of the investigation, the Director issues a report to the PAB with findings and recommendations. The PAB may accept, modify, or reject the recommendations. The PAB may also request that a hearing be held if they can't decide based on the presented findings and recommendations. If accepted, the findings are forwarded to the Chief of Police. The Chief may agree or disagree. If there is disagreement, the matter can be referred to the City Manager for final resolution.

##### Step 4 - Hearing Procedures

If the PAB is unable to determine whether to affirm the Director's findings, it may convene a hearing. A three-member panel from the PAB conducts closed hearings, during which both the complainant and the

subject officer are required to testify. The panel then deliberates and votes on each allegation, and their findings are forwarded to the Chief of Police.

## **CONFIDENTIALITY**

All personnel investigations and related materials shall be treated as confidential t consistent with California Penal Code [§832.7–832.8](#), the Peace Officers’ Bill of Rights ([Gov. Code §3300 et seq.](#)), and applicable provisions of the Public Records Act. Investigations and deliberations are conducted in closed session. Only authorized summaries or statistical data may be released publicly as permitted by law. Members of the public who seek access to other materials may submit Public Records Act requests to the City which will be assessed on a case-by-case basis. All Board members and ODPa staff are required to sign and adhere to confidentiality agreements and may not disclose case details outside the official review process.

# APPENDIX C

## POLICY REVIEWS



### APPENDIX C: POLICY REVIEWS

The PAB may initiate a review of a BPD policy, practice, or procedure by a majority vote of its members. Reviews may be initiated sua sponte by any Board member or in response to a filed complaint.

Once the Board votes to initiate a policy review, the following process will generally apply:

#### REVIEW BY POLICY COMMITTEE

The Policy Committee will make a recommendation to the full Board on how the review should be assigned.

Assignment Options:

- Assigned to a specific Board member.
- Assigned to the Policy Committee.
- Assigned to a specially designated ad hoc subcommittee.
- Assigned to the ODPa.
- Review not recommended.
- Factors to be considered in generating an assignment recommendation include:
  - Scope of review: Broad versus narrow scope. ODPa staff will provide a brief analysis of the policy at issue and any related policies to support the committee's determination.
  - Workload: The capacity of Board members, the Policy Committee, and ODPa staff.
  - Timeline: The desired timeline for completion.
  - Impact and necessity: The potential impact of the review, including the significance of the issue addressed and the number of individuals potentially affected by the policy, as well as the necessity of undertaking the review, including legal, regulatory, operational, or policy considerations.

Assignment of Priority:

- Tier 1: 3 months.
- Tier 2: 6 months.
- Tier 3: 12 months.

Priority will be based on impact, urgency, public interest, and Board member interest.

## **BOARD ACTION ON POLICY COMMITTEE RECOMMENDATION**

The Board will take formal action based on the Policy Committee's recommendation for assignment of the review.

## **SCOPE OF AND PROCESS FOR REVIEW**

The scope of the review may include any of the following steps. Not all steps will be required for each review. The entity or Board member conducting the review may determine which steps are appropriate. ODPa will manage the process and documentation.

- A. Participation of BPD: BPD will be encouraged to participate in the review process.
- B. Determination of Policies to be Addressed: Identify the specific policy or policies to be reviewed, including related policies as appropriate.
- C. Assessment of Current Interpretation and Enforcement: Evaluate how the policy is currently interpreted and enforced by BPD.
- D. Analysis of Complaints: Review any complaints received by BPD regarding the policy. This analysis will be coordinated with the BPD SPAM unit.
- E. Identification of Parallel Policies: Research and identify similar policies in comparable jurisdictions.
- F. Research Best Practices: Determine best practices relevant to the policies under review.
- G. Community Input: Seek community input on the existing policy and any proposed modifications.

## **PREPARATION OF FINAL REPORT**

The final report will include:

- A. Summary of Scope and Process: Overview of the scope and process of the review.
- B. Key Findings and Recommendations: Main findings and recommendations.
- C. BPD Feedback:
  - BPD will have the opportunity to review the draft report before it is submitted to the PAB.
  - BPD's feedback, including points of agreement and opposition, will be submitted concurrently with the draft report.

BPD's decision not to provide feedback, after being afforded a reasonable opportunity to do so, will not delay or prevent submission of the draft report to the PAB.

## **BOARD ACTION ON FINAL REPORT**

A majority of the Board will approve the final report and close the review. The final report will be transmitted to the complainant (if applicable), BPD, and posted on the ODPa website. As appropriate, reports will also be submitted to the City Council. ODPa/PAB Annual Reports will include a link to all policy reviews completed during the respective year.

# APPENDIX D

## PUBLIC COMMENT POLICY



### APPENDIX D: PUBLIC COMMENT POLICY

The PAB is required to take public comment at the beginning and end of each Board meeting. The PAB welcomes public comment at its meetings and values diverse viewpoints. This policy ensures the public's right to be heard while allowing the Board to conduct business efficiently. All comments and presented materials become part of the public record.

#### Written Comment

- Members of the public may submit comments in writing before any public meeting by sending them directly to the email address listed on the agenda.
- To allow sufficient time for the Board to review written public comments, members of the public are encouraged to submit written comments at least 24 hours prior to the start of a meeting. Written comments received less than 24 hours before the start of the meeting may not be provided to members prior to the meeting but in any event will be distributed the following business day
- Instructions for submitting comments are posted on meeting webpages and agendas.

#### Oral Comment

- Public comment may be given in person, by phone, or video. Instructions are online and include sign-up procedures.
- Advance sign-up is encouraged but not required; speakers are called in order of sign-up or appearance.
- The chair sets equal time limits for speakers (at least two minutes). Groups with shared positions are urged to appoint a spokesperson.
- The chair has the discretion to allow members of the public who wish to speak following closure of the public comment period to make remarks at any time during the meeting.
- After one hour of public comment or 30 speakers, the chair may close the comment period. Organizational entities directly affected by an action may receive additional time if they request it 72 hours in advance.

#### Requests to Speak

- Requests may be made in advance (deadline: 24 hours before) or at the meeting. Confirmation will be provided for advance requests.

- Speakers must provide their name and the agenda item or topic.
- When a large number of speakers wish to comment on one item on the agenda, the chair may decide to take general public comment at the start of the meeting and take public comment on a specific agenda item when that item is called.

### Accommodations

- Individuals are asked to make accommodations requests as soon as possible to ensure that the City has an adequate opportunity to provide reasonable accommodation. Requests can be made to the ADA Program Coordinator at [ada@berkeleyca.gov](mailto:ada@berkeleyca.gov).
- Requests for interpreters or other accommodations may not be possible to fulfill unless made at least 72 hours in advance of a meeting.
  - Interpreters will be provided free of charge, and speakers using them receive double the time.

### Decorum

- Meetings are limited public forums: speakers must stay on topic.
- Disorderly conduct, abusive or threatening language, or disruption may result in removal.
- The City of Berkeley and PAB prohibit harassment or discrimination against employees or the public based on any protected characteristic. If discriminatory comments occur, the chair may admonish the speaker, pause the clock, allow them to finish, and, if needed, call a recess.

### Signs and Displays

- In-person attendees may not display items that obstruct others' view. Signs or props must be no larger than 8.5 x 11 inches and cannot be attached to poles or sticks.

### Emergency Waiver

The PAB may temporarily adjust these rules in emergencies to maintain order or ensure the efficient conduct of meetings, in accordance with the Brown Act and the Berkeley City Charter.



# APPENDIX E

## COMMENDATIONS PROCESS

### APPENDIX E: COMMENDATIONS PROCESS

Section 125(26) of the Berkeley City Charter requires the Police Accountability Board (PAB) to establish a regular means of recognizing sworn employees of the Police Department for instances of outstanding service.

#### PURPOSE

This appendix outlines the structure and process for reviewing and recommending commendations for sworn officers or civilian employees of the BPD.

#### CRITERIA FOR COMMENDATION

Recommendations for commendations may be submitted by the public, the BPD, and members of the PAB. The Board may commend sworn officers or civilian employees of the BPD, or groups thereof, who perform extraordinary service, including:

1. Exceptional valor, bravery, or heroism
2. Superior handling of a difficult situation
3. Performance above and beyond typical duties
4. Extraordinary compassion, empathy, or kindness

The Commendations Subcommittee reviews commendation submissions from the public, the Department, and Board members (pre-sorted and categorized by the Board Secretary), recommends a group of sworn officers or employees for official commendation and identifies additional individuals for inclusion in a Notable Service packet. The Subcommittee's recommendations are placed on a Board agenda for consideration. Commendations require an affirmative vote of a majority of the quorum to pass. Approved commendations are communicated to the City Council and the Chief of Police and are included in personnel files as appropriate. The Board may also determine appropriate methods of recognition, which may include certificates or plaques, public recognition at events, or other acknowledgments, subject to budget approval.

