



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
SUPPLEMENTAL MATERIAL PACKET**

**Wednesday, November 8, 2023
6:30 P.M.**

Board Members

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

Regina Harris (Vice-Chair)
Julie Leftwich
Brent Blackaby

MEETING LOCATION

North Berkeley Senior Center
1901 Hearst Avenue
Berkeley, CA 94709

[\(Click here for Directions\)](#)

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MEMORANDUM

To: Police Accountability Board (PAB)

From: Hansel Aguilar, Director of Police Accountability *HA*
Michelle Verger, ODPa Data and Policy Analyst *MV*

Date: November 06, 2023

Subject: Observations and Considerations for the PAB's review of the Berkeley Police Department (BPD) Budget

In accordance with Section 125(21) of the City Charter, the Police Accountability Board is vested with the authority to conduct a thorough review and offer recommendations to the City Council with regard to the Police Department's budget. Per the stipulations of this section, the Chief of Police is tasked with presenting a final budget proposal to the Board for their review and recommendations. In response to the expressed interest of the Board in actively engaging their budget review prerogative, the ODPa has prepared this memorandum to provide an overview of our general observations concerning the most recently adopted Berkeley Police Department (BPD) budgets. Additionally, we have taken into account the priorities outlined in the following frameworks:

- 21st Century Policing
- Reimagining Public Safety
- Fair and Impartial Policing

This information is offered to support the Board's informed decision-making in relation to budgetary matters. This memorandum is not intended to serve as an exhaustive and comprehensive review of the Berkeley Police Department's budget. Instead, it is designed to initiate the conversation and deliberation process for the Police Accountability Board as it undertakes a thorough examination of the budget. It is important to clarify that, at the time of producing this memorandum, the ODPa did not have access to the line item budget of the BPD.

Our observations are based on publicly available information contained within the City of Berkeley Adopted Budget Report for Fiscal Years 2023 & 2024¹.

“Developing a budget is an art, not a science. There is no “one best way” to develop a budget. There are different types of budgets and each community does things a little different.”

- Orrick, Dwayne (2018)²

BPD Budget Background:

The Berkeley Police Department has a sizable budget and many divisions within the department. This section of the memo serves to analyze how that budget is being allocated and what the PAB may suggest to the City Council that it should prioritize for BPD considering the values and frameworks guiding public safety in the City.

Berkeley has allocated 12%, or \$176,103,159, to BPD for fiscal years 2023 and 2024 (see

FY 2023 AND FY 2024 ALL FUNDS EXPENDITURES BY DEPARTMENT

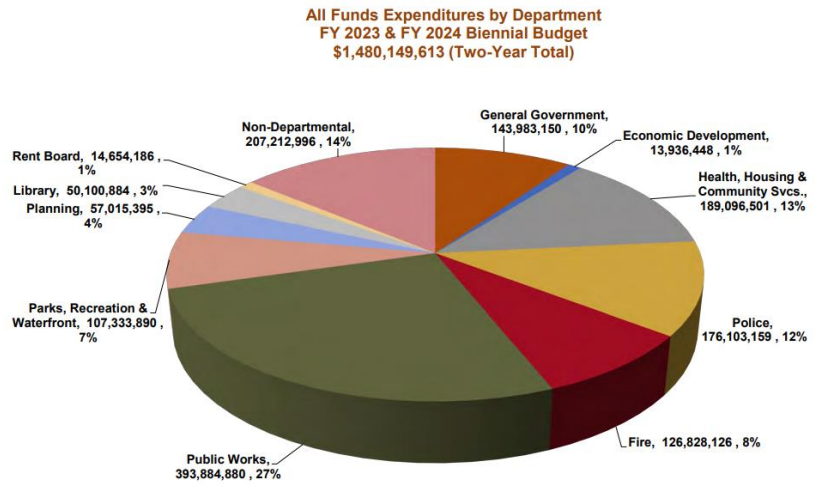
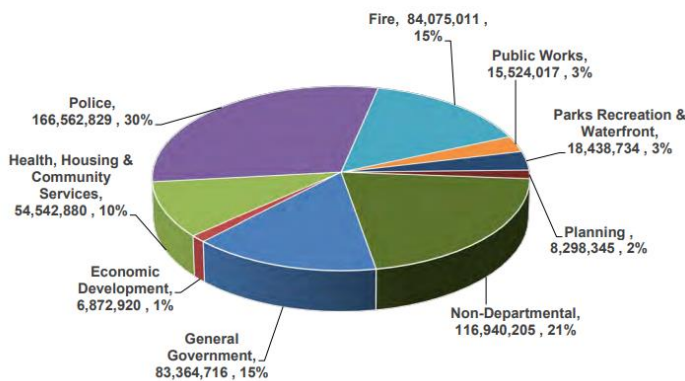


Figure 1). Other City of Berkeley Departments or allocations which exceed that of BPD budget are Public Works (27%), Health, Housing, and Community Services (13%), and “non-departmental” (14%).

General Fund Expenditures by Department FY 2023 & FY 2024 Adopted Biennial Budget \$554,619,656 (Two-Year Total)



It should be noted, however, that the BPD budget makes up, 30% of the General Fund budget. While not direct comparators, according to Vera Institute of Justice analysis of budgets adopted for fiscal year 2020³ the following California cities have adopted the following budgets:

¹ For the complete Adopted Budget Report (or Budget Book) please visit the site below. All figures included in this memo regarding the City of Berkeley can be found in the Budget Book:

<https://berkeleyca.gov/sites/default/files/documents/FY-2023-2024-Adopted-Budget-Book.pdf>

² Orrick, W. D. (2018). Budgeting in small police agencies. Best Practices Guide.

<https://www.theiacp.org/sites/default/files/2018-08/BP-Budgeting.pdf>

³ <https://www.vera.org/publications/what-policing-costs-in-americas-biggest-cities>

	CITY	OVERALL POLICING BUDGET	% OF CITY FUNDS SPENT ON POLICING	CITY \$ PER RESIDENT FOR POLICE	POLICE DEPARTMENT EMPLOYEE TO RESIDENT RATIO
1	Berkeley, CA	\$176,103,159	30%	\$1,480 biennial ÷2 = \$740 annual	1:417
2	Fresno, CA	\$201,764,000	40%	\$367	1:470
3	Long Beach, CA	\$265,466,991	43%	\$522	1:373
4	San Francisco, CA	\$706,182,301	9%	\$604	1:275
5	Sacramento, CA	\$184,342,524	26%	\$295	1:475
6	San Jose, CA	\$473,208,901	30%	\$434	1:609
7	Los Angeles, CA	\$1,735,493,169	33%	\$420	1:308
8	San Diego, CA	\$542,087,473	34%	\$378	1:537
9	Portland, OR	\$238,190,326	31%	\$352	1:501
10	Seattle, WA	\$440,240,547	12%	\$546	1:340 ⁴

Please note that the following table is intended to serve as a reference point for understanding how local and nearby jurisdictions allocate funds to their respective police departments. It is crucial to emphasize that this table is not designed for direct comparisons between the various cities, as differences in local contexts, priorities, and needs can significantly

⁴ <https://www.vera.org/publications/what-policing-costs-in-americas-biggest-cities>

influence budgetary decisions. The table provides insights into each city's overall policing budget, the percentage of city funds allocated to policing, the funding per resident for police services, and the police department's employee-to-resident ratio. These data points offer valuable information for context but should be considered in conjunction with a comprehensive understanding of each city's unique circumstances and the nuances that contribute to their budgetary allocations.

SUMMARY OF EXPENDITURES BY DEPARTMENTS – ALL FUNDS						
	FY 2020 Actual	FY 2021 Actual	FY 2022 Adopted	FY 2022 Est Actual	FY 2023 Adopted	FY 2024 Adopted
Mayor & Council	2,525,920	2,708,844	3,096,559	3,334,707	4,785,155	4,835,380
Auditor	2,527,125	2,526,081	2,805,883	2,688,657	3,101,376	3,124,862
Police Review Commission ^(a)	775,701	744,950				
Office of the Director of Police Accountability	-	-	1,114,235	815,258	1,422,432	1,374,911
City Manager	8,104,984	8,432,572	8,770,554	9,733,300	11,732,034	11,763,275
Office of Economic Development	8,951,152	4,966,525	5,082,163	8,668,166	7,555,553	6,380,895
Information Technology	15,495,905	16,552,132	20,423,888	16,448,551	22,287,156	22,500,474
City Attorney	4,555,976	6,214,367	7,278,096	6,200,455	8,562,688	8,553,021
City Clerk	2,069,740	3,194,204	2,901,739	2,402,842	3,501,282	3,190,547
Finance	8,362,334	8,146,012	9,431,102	8,722,333	11,444,157	11,669,774
Human Resources	3,924,687	4,078,091	4,438,053	3,711,625	5,009,883	5,124,741
Health, Housing & Community Services	60,608,060	81,811,330	84,514,926	91,734,085	95,182,974	93,913,527
Police	79,762,713	79,395,632	77,807,443	82,704,040	87,444,720	88,658,439
Fire	48,213,947	49,891,701	60,351,430	58,014,192	63,377,259	63,450,868
Public Works	140,021,855	125,907,423	147,438,656	140,757,036	203,608,562	190,276,318
Parks, Recreation & Waterfront	43,593,445	60,795,051	52,979,556	63,569,334	53,378,913	53,954,977
Planning	21,595,429	21,687,691	25,252,729	22,485,141	29,022,035	27,993,361
Library	18,865,464	20,255,244	25,566,341	18,476,577	24,918,604	25,182,279
Rent Board	5,755,222	5,517,190	6,825,535	5,803,127	7,247,755	7,406,431
Non-Departmental ^(b)	60,402,889	95,581,042	127,522,399	106,147,842	110,594,086	96,618,910
Total All Funds	536,112,550	598,406,081	673,601,287	652,417,270	754,176,624	725,972,990

(a) Police Review Commission has become the Office of the Director of Police Accountability in FY 2022

(b) Non-Departmental consists of operational overhead costs such as Property Insurance and School Board Salaries, General Fund allocation for Community Based Organizations, Workers' Compensation costs, Debt Service, and Interfund Transfers.

(Adopted Budget Book- FY 2023 & 2024, pg. 104)

Review of public safety paradigms or frameworks:

As mentioned earlier, rather than a line-item review, this memo intends to review key sources for police funding allocation by principles and concepts. For this section, three bodies of work shall serve as the building blocks of these recommendations:

- [The President's Task Force on 21st Century Policing: Implementation Guide, Moving from Recommendations to Action \(2015\)](https://portal.cops.usdoj.gov/resourcecenter/RIC/Publications/cops-p341-pub.pdf)
<https://portal.cops.usdoj.gov/resourcecenter/RIC/Publications/cops-p341-pub.pdf>
- [Berkeley Fair and Impartial Policing Working Group](https://berkeleyca.gov/sites/default/files/documents/2021-02-23%20Special%20Item%20001%20Report%20and%20Recommendations%20-%20Pres%20Mayor.pdf) (February 23, 2021)
<https://berkeleyca.gov/sites/default/files/documents/2021-02-23%20Special%20Item%20001%20Report%20and%20Recommendations%20-%20Pres%20Mayor.pdf>
- [Reimagining Public Safety Berkeley Task Force: Response & New Recommendations to NICJR's Report on Reimagining Public Safety](https://berkeleyca.gov/sites/default/files/documents/RPSTF%20Final%20Report.pdf) (February 18, 2022)
<https://berkeleyca.gov/sites/default/files/documents/RPSTF%20Final%20Report.pdf>

[Remaining Public Safety in Berkeley: Final Report and Implementation Plan](https://berkeleyca.gov/sites/default/files/documents/BerkeleyReport_030722.pdf) (March 07, 2022)

https://berkeleyca.gov/sites/default/files/documents/BerkeleyReport_030722.pdf

I. [The President's Task Force on 21st Century Policing: Implementation Guide, Moving from Recommendations to Action \(2015\)](#)

The implementation guide written by the task force lays out six major “pillars” on which their recommendations are based. The graphic⁵ below provides a summary of the recommendations:



The President's Task Force on 21st Century Policing Implementation Guide, published in 2015, serves as a comprehensive resource that delves into the practical execution of the task force's recommendations. This document provides a roadmap for law enforcement agencies to move from policy recommendations to tangible actions aimed at transforming policing in the 21st century. It outlines key areas, such as building community trust, enhancing transparency, ensuring officer safety, and fostering community policing. The guide offers detailed insights into strategies, practices, and case studies that enable law enforcement agencies to tailor their approaches to their unique contexts while aligning with the overarching goals of accountability, community engagement, and the delivery of fair and effective policing services. It emphasizes the critical importance of strengthening the bonds between police departments and the communities they serve, working toward a safer, more just, and more unified society.

II. [Reimagining Public Safety Berkeley Task Force](#)

The George Floyd Act in Berkeley aligns with NICJR's reform model, which advocates for a three-fold approach: Reduction, Enhancement, and Reinvestment. This report mirrors this

⁵ <https://obamawhitehouse.archives.gov/blog/2015/12/18/law-enforcement-leads-change>

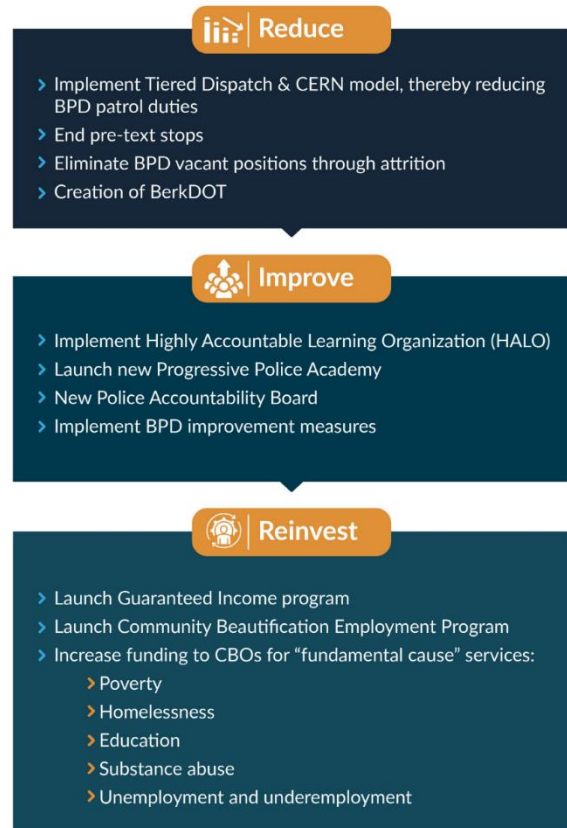
structure and is predominantly divided into three sections: First, reducing the presence of law enforcement; second, enhancing the overall quality of law enforcement and public safety; and finally, reinvesting in community and essential services. While some recommendations in this report draw from successful programs and policies tested in various jurisdictions, others introduce innovative ideas, all in pursuit of the overarching vision of reimagining and transforming the landscape of public safety. The categorization of the various recommendations can be found on the report infographic⁶ found in this page.

III. [Berkeley Fair and Impartial Policing Working Group](#)

The recommendations presented by the Berkeley Fair and Impartial Policing Working Group can be organized into several overarching themes that aim to enhance law enforcement practices.

Firstly, there is a focus on improving the conduct of traffic stops and defining criteria for stops involving criminal suspects, with an emphasis on evidence-based decision-making. Additionally, the recommendations suggest considering race and ethnicity in stops only when supported by clear evidence-based criteria.

Another crucial theme revolves around the reduction of low-level offenses. The working group recommends the elimination of stops for minor offenses, advocating for a more balanced approach to policing. Enhancing accountability and transparency in law enforcement is a significant focus. This entails the implementation of an Early Intervention System (EIS) and a risk-management structure, as well as the release of comprehensive data related to stops, arrests, calls for service, and use of force. Moreover, there are proposals to restrict warrantless searches, mandate written consent for consent searches, provide detained individuals with information on resources and the complaint process, and ensure regular analysis of stop, search, and use of force data. Addressing profiling and racism is another key theme. This involves developing



⁶ Remaining Public Safety in Berkeley: Final Report and Implementation Plan Pg. 4.: https://berkeleyca.gov/sites/default/files/documents/BerkeleyReport_030722.pdf

policies, providing training for dispatchers, and taking action against officers who engage in racist behavior.

Furthermore,

there are efforts to promote public awareness and accessibility to information and resources related to police-civilian encounters, such as the use of online platforms like RAHEEM.org.

Finally, the working group suggests adopting compliance and accountability mechanisms, including hiring a consultant to develop an implementation plan. These thematic recommendations collectively aim to create a more equitable, transparent, and accountable policing environment in Berkeley, fostering a safer and more just community. The list of the recommendations⁷ from the working group can be found in the graphic above.

Conclusion:

It is crucial to underscore the significance of the Board's role in reviewing and recommending adjustments to the Police Department's budget, as authorized by Section 125(21) of the City Charter. The collaboration between the Chief of Police and the Board in shaping the final budget proposal reflects a commitment to transparency and accountability. As we engage in this critical budgetary process, the ODPa has strived to provide a valuable foundation of general observations on the BPD budget and a summary of the principles of 21st Century Policing, Reimagining Public Safety, and Fair and Impartial Policing. This information serves as a catalyst for informed decision-making within the Board, fostering a comprehensive and meaningful examination of the budget. It is essential to recognize that in preparing this memo, did not assess how these initiatives or priorities are being reflected in the budget. From a cursory review and understanding of BPD budget and operations, many of these principles are being reflected, however, at the time of producing this memo, the line item budget of the BPD was not reviewed.

Key Recommendations


Recommendations in **bold** will be highlighted by presenters

- 1. Focus traffic stops on safety**
- 2. Use a clear, evidence-based definition for stops of criminal suspects**
- 3. Use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria**
- 4. Eliminate stops for low-level offenses**
- 5. Implement an Early Intervention System (EIS) and a risk-management structure**
6. Immediately release stop, arrest, calls for service and use of force data from 2012 to present to the Working Group
7. Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole
- 8. Require written consent for all consent searches**
- 9. For any individual detained, BPD officers shall provide a business card with info on a website similar to RAHEEM and info on complaint process with PAB**
10. Address Profiling by Proxy (PAB Policy Development, Dispatcher Training)
11. Fire racist police officers identified through social media and other media screens
12. Address Profiling by Proxy (Council develop & pass CAREN policy)
13. Require regular analysis of BPD stop, search, and use of force data
14. Make resources on police-civilian encounters more publicly available such as RAHEEM.org
15. Adopt Compliance and Accountability Mechanisms (NM)
 - Hire consultant to develop implementation plan

⁷ Fair & Impartial Policing Working Group (February 23, 2021) Pg 5: <https://berkeleyca.gov/sites/default/files/documents/2021-02-23%20Special%20Item%2001%20Report%20and%20Recommendations%20-%20Pres%20Mayor.pdf>



MEMORANDUM

To: Police Accountability Board (PAB)
From: Hansel Aguilar, Director of Police Accountability 
Date: November 06, 2023
Subject: Observations and Considerations for the PAB’s review of the ODP/PAAB Budget

In accordance with Section 125(4) of the City Charter, the Police Accountability Board is vested with the authority to propose a budget to the City Council for its operations, with the allocation being determined by the City Council based on available resources. This budget is crucial not only for the Board's day-to-day functioning but also to uphold the principles of accountability, independence, and the protection of the rights of complainants and sworn employees of the Police Department.

The PAB and ODP/PAAB embark on discussions surrounding the budget, it is essential to consider some relevant insights and observations that can inform our approach:

Oversight Agency Budgets: One notable factor influencing oversight agency budgets is the chosen oversight model. Research, as highlighted in the NACOLE/OJP report¹, indicates that the type of model significantly impacts the budgetary requirements. Notably, investigation-focused models, staffed by full-time professional investigators, tend to be the most resource-intensive. These models require substantial funding to support thorough, comprehensive investigations, given the complexity and time sensitivity often associated with this approach. Conversely, review-focused models, which rely on volunteer civilian boards or commissions to review completed internal investigations, tend to be more cost-effective due to the use of volunteer resources. These

¹ Civilian Oversight of Law Enforcement Report on the State of the Field and Effective Oversight Practices <https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-w0952-pub.pdf>

models are generally less expensive as they leverage existing internal investigations, focusing primarily on the review of these reports. The City of Berkeley has a hybrid model which encompasses features from various models of oversight.

These insights underscore the importance of aligning our budget discussions with our chosen oversight model. It is crucial for the PAB to establish a clear vision for fulfilling the duties of our oversight model and requesting the corresponding budgetary allocation for those duties. Our budget proposal to the City Council should be grounded in a well-defined approach that aligns with our mission, objectives, and the unique dynamics of our community. Moreover, as we prepare our budget, we should consider the delicate balance between allocating resources for investigations, policy development/review, and community outreach and engagement as all facets are integral to our mission.

Please note that in Section 125(1), the City clearly establishes both the Police Accountability Board (PAB) and the Office of the Director of Police Accountability (ODPA). However, in many regards throughout the Charter, specifically for budget considerations, the two entities are often conflated². This distinction is important as it allows for a nuanced discussion of resource allocation between the Board and the Office, emphasizing the need for a comprehensive yet flexible budget proposal.

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