

MEMORANDUM

To: Police Accountability Board
From: Hansel Aguilar, Director of Police Accountability 
Date: 03/01/24
Subject: Review of DPA Mandatory and Permissible Provisions in the City Charter- Section 125. Police Accountability Board and Director of Police Accountability.

As a companion memorandum provided by our office, the purpose of this memorandum is to address the specific Charter duties of the Office of the Director of Police Accountability (ODPA)/Director of Police Accountability (DPA).

Section 125(1) establishes the purpose of the ODPa (emphasis added):

The purpose of the Director of Police Accountability is:

- to investigate complaints filed against sworn employees of the Berkeley Police Department,
 - to reach an independent finding as to the facts and
 - recommend corrective action where warranted.
- The Director of Police Accountability **may** also serve as the Secretary to the Police Accountability Board and assist the Board in carrying out the duties prescribed herein.

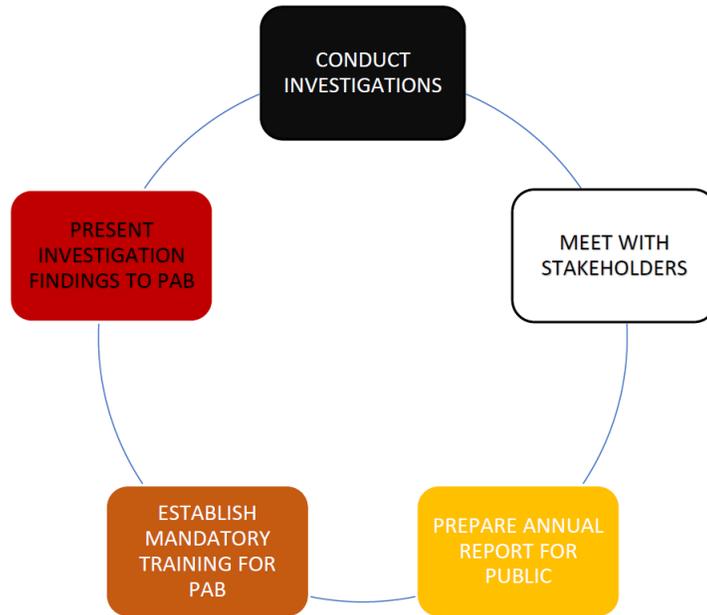
Additionally, **Sections 125 (12); (14); (15); (16); (18); and (20)** provide more specifics on the mandatory duties of the DPA **(emphasis added)**:

- Under Section 125(12) of the Charter, the DPA **shall** establish mandatory training requirements for Board members. (Section 125(12)(a))
- Under Section 125(14) of the Charter, the DPA **shall**
 - carry out the work of the Board as described herein, which may include the day-to-day operations of the Board office and staff, and performance appraisals and discipline of all subordinate employees of the Board. All such individuals, to the extent that they are employees of the City of Berkeley, shall be subject to the personnel rules governing City of Berkeley employees. (Section 125(14)(b))
 - ensure a timely, thorough, complete, objective and fair investigation into the complaint. (Section 125(14)(f))
 - assess the conduct of the sworn employees of the Police Department in light of the facts discovered through the investigation, state and federal law, and the

- policies, practices, procedures, and personnel rules of the City and Berkeley Police Department. (Section 125(14)(g))
- present the results of their investigative findings and recommendations to the Police Accountability Board who shall make a recommendation to the Chief of Police regarding the specific complaint. (Section 125(14)(h))
 - use the City's Human Resources Department for all human resource matters including, but not limited to hiring, performance evaluation, discipline, and removal of employees. (Section 125(14)(l))
 - meet periodically with stakeholders, including but not limited to employee organizations representing officers, organizations promoting civil rights and liberties, and organizations representing communities of color, and solicit from them input regarding the work of the Police Accountability Board and the Office of the Director of Police Accountability. (Section 125(14)(m))
- Under Section 125(15) of the Charter, the DPA **shall** use the services of the City Attorney's Office for legal advice.
 - Under Section 125(16) of the Charter, the DPA **shall** prepare an annual report to the public. (Section 125(16)(b))
 - Under Section 125(18) of the Charter, the DPA (along with the PAB) **shall**
 - adopt regulations for handling complaints filed with the DPA by any member of the public alleging misconduct by sworn employees of the Police Department and undertake investigations of complaints as they deem warranted. The regulations shall include the following (Section 125(18)(a) :
 - (1) What constitutes a complaint; and
 - (2) A provision for voluntary mediation of complaints in lieu of an investigation.
 - immediately begin and proceed as expeditiously as possible with investigation (Section 125(18)(e))
 - be free from interference and or undermined in work (Section 125(18)(f))
 - send complaints to Chief of Police and Police Department Internal Affairs, members of the Police Accountability Board, and to each identified sworn employee of the Police Department against whom the complaint has been filed (Section 125(18)(g))
 - not participate in the Police Department's Board of Review or any subsequent internal process established by the Police Department to review a complaint filed by any member of the public.
 - Within sixty (60) days, submit and present investigative findings to the Police Accountability Board and, if warranted, the Board may agree to hold a personnel hearing which shall be confidential. (Section 125(18)(i))
 - Under Section 125(20) of the Charter, the DPA (along with the PAB) **shall** receive cooperation from all departments, officers, and employees of the City
 - Under Section 125(20) of the Charter, the DPA (along with the PAB) **shall** maintain the confidentiality of any records and information it receives consistent with state or federal law governing such records or information.

Sections **125 (14); (15); (16); (18)** provide more specifics on the permissive duties of the DPA. Accordingly, the DPA **may** (emphasis added):

- hire a Chief Investigator and, when there is a conflict of interest pursuant to Section 15, outside legal counsel, subject to receiving budgetary authority from the City Council. (Section 125(14)(i))
- Subject to the budgetary authority of the City Council, the provisions of the City’s charter related to personnel, the City’s personnel rules, state and federal law, the Director of Police Accountability shall have the authority to hire and dismiss consultants and additional investigators. Subject to City Council approval, the Director of Police Accountability may also enter into contracts for investigative services, provided, however, that with respect to the procurement of supplies and services, the Director of Police Accountability shall comply with the Charter and City purchasing policies and procedures. (Section 125(14)(j))
- request that the Chief of Police submit the decision to the City Manager or City Manager’s Designee who shall make the final determination along with a written explanation to the Director of Police Accountability, Police Accountability Board, and Chief of Police within twenty-five (25) days. (Section 125(18)(k))
- issue subpoenas to compel the production of books, papers, and documents, and the attendance of persons to take testimony, as needed to carry out its duties and functions. The testimony of any sworn employee of the Police Department is subject to the due process and confidentiality provisions of applicable state and federal law. (Section 125(20)(c))



*****An important oversight mechanism of the PAB over the DPA is the ability to recommend removal for cause to the City Council as outlined in Section (14)(d).*****

By majority vote, the Police Accountability Board may recommend removal for cause of the Director of Police Accountability to the City Council.



<p>II Shall the measure amending the Berkeley City Charter to create an independent Berkeley Police Accountability Board and Director of Police Accountability to provide oversight of the Berkeley Police Department (Department) policies, practices, and procedures; obtain access to records; investigate complaints filed by members of the public against sworn employees of the Department; and recommend discipline of sworn employees of the Department, based upon a preponderance of the evidence, be adopted?</p>	YES
	NO

PROPOSAL FOR THE EVALUATION OF THE DIRECTOR OF THE POLICE ACCOUNTABILITY

M A R C H 1 8 , 2 0 2 3

Prepared For : HONORABLE MAYOR JESSE ARREGUIN AND CITY COUNCIL MEMBERS
 HANSEL ALEJANDRO AGUILAR
 DIRECTOR OF POLICE ACCOUNTABILITY

OFFICE OF THE DIRECTOR
 OF POLICE ACCOUNTABILITY
 1947 CENTER STREET
 BERKELEY, CA, 94704

Dear Honorable Mayor and City Council Members,

As required by the employment agreement, I am writing to propose a set of objective, verifiable measures for evaluating the performance of the Director of Police Accountability in our city. However, I would first like to acknowledge that the original agreement between the Director of Police Accountability and the City stated that the process would be completed within three months. Unfortunately, several factors contributed to the inability to produce the proposal within that timeframe.

Firstly, the relocation process required significant time and resources. I needed to adjust to my new surroundings, become familiar with the community, and build relationships with key stakeholders. This process took longer than anticipated, but it was necessary to ensure that I was able to fully understand the needs of the community and develop an effective proposal.

Secondly, adapting to City policies, procedures, and protocols also took longer than expected. In my new role as the Director of Police Accountability, I needed to understand the intricacies of the City's administrative processes, legal requirements, and reporting protocols. This required a significant amount of time and effort to fully comprehend and incorporate into the proposal.

Lastly, meeting with different stakeholders and completing reports in specified time frames also presented a challenge. The Office of the Director of Police Accountability is currently below its predicted staffing levels and there was some unexpected leave requested by staff members. I needed to consult with various groups, such as community members, police officers, and legal experts, to gather information and feedback. Additionally, completing reports within specified time frames required a significant amount of attention and resources.

Despite these challenges, as your Director of Police Accountability, I have remained committed to developing a comprehensive proposal for evaluating my performance. The proposed set of objective, verifiable measures that I am submitting to you now reflects this commitment and dedication. I believe that by implementing these measures, we can establish clear, objective standards for evaluating the effectiveness of the Director of Police Accountability. These measures can be tracked over time to assess the effectiveness of the role and to identify areas for improvement. In addition, they can be used to communicate with community members about the role of the Director of Police Accountability and to build trust in the Office and the Berkeley Police Department.

Thank you for your consideration of this proposal, and I hope that you will consider the various factors that contributed to the delay in its submission.

Sincerely,



Hansel Alejandro Aguilar
Director of Police Accountability
Office of the Director of Police Accountability

Public

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EXECUTIVE SUMMARY

This proposal outlines a set of objective, verifiable measures for evaluating the performance of the Director of Police Accountability in the City of Berkeley, California. The proposed evaluation measures include timeliness of investigations, the accuracy of investigations, compliance with policies and procedures, stakeholder feedback, training and education, the performance of subordinates, and completeness and accuracy of the annual report. These measures have been carefully selected to ensure that the Director of Police Accountability is fulfilling their duties and responsibilities effectively.

In addition to the proposed evaluation measures, this proposal includes a five-year goals plan for the Director of Police Accountability. The goals plan is designed to support the Director in improving their performance and ensuring that they are meeting the needs of the community. The report also provides a background on the transition from the Police Review Commission to the Police Accountability Board, including information about Measure II, which created the Police Accountability Board in 2020. The report concludes with a call to action for the City Council to adopt the proposed evaluation measures and five-year goals plan to ensure that the Director of Police Accountability is held accountable and continues to serve the needs of the community.

INTRODUCTION

The City of Berkeley has a long history of advocating for police accountability and community oversight. This proposal is being submitted the month before the 50th anniversary of the establishment of the Police Review Commission (PRC)¹. In line with the commitment with police accountability, in 2020 the City Council voted to establish the Police Accountability Board (PAB) and the Office of the Director of Police Accountability (ODPA) as a replacement to the PRC. The PAB was created to provide an independent

¹ On April 17, 1973, the voters of the City of Berkeley, CA approved Initiative Measure No. 7. The Initiative Ordinance entitled “Establishing a Police Review Commission, providing for the appointment and removal of members thereof, and defining the objectives, functions, duties and activities of said commission.”

[OnBase Public Access Viewer \(cityofberkeley.info\)](https://cityofberkeley.info)

and transparent system of police oversight, investigate complaints against police officers, and ensure the Berkeley Police Department (BPD) operates within the law and upholds the civil rights of all residents.

As part of its oversight role, and in accordance with the employment agreement (see Figure 1), the City Council is responsible for evaluating the performance of the Director of Police Accountability (DPA) and reporting to the City Council on an annual basis. The DPA is tasked with leading investigations into allegations of police misconduct and making recommendations to the BPD and City Manager on disciplinary action, policy changes, and training needs. To ensure that the evaluation of the DPA is objective and verifiable, I propose a set of measures that will enable the Mayor and Council to assess the DPA's performance accurately. These measures include timeliness of investigations, accuracy of investigations, compliance with policies and procedures, stakeholder feedback, training and education, performance of subordinates, and the completeness and accuracy of the DPA's annual report.

Within three months of appointment, the City Council shall jointly establish objective, verifiable measures of Mr. Aguilar's performance, to be completed during the first year of Mr. Aguilar's employment. The City Council shall provide Mr. Aguilar with a performance evaluation at the end of the first year or soon thereafter. During the initial performance evaluation, Mr. Aguilar shall present to the City Council his goals and priorities for the Office of the Director of Police Accountability. An assessment of salary increase shall be part of the evaluation process. For each subsequent year during the term of this Agreement, the Parties shall endeavor to establish prospective objective, verifiable measures of performance for the ensuing year. As part of each annual performance evaluation, Mr. Aguilar shall present on goals and priorities for the Office of the Director of Police Accountability and key accomplishments over the past year.

Figure 1 DPA Employment Agreement

This proposal aims to provide an overview of the proposed measures and how the City Council can use them to evaluate the DPA's performance. Additionally, in this proposal, I present a five-year plan to develop the ODP into a department that will achieve sustainable change and improvement of the police, in line with the City's vision with reforming and reimagining the public safety system in the City of Berkeley.

PURPOSE

The purpose of the DPA is to investigate complaints filed against sworn employees of the Berkeley Police Department, to reach an independent finding as to the facts and recommend corrective action where warranted. The DPA may also serve as the Secretary to the PAB and assist the Board in carrying out the duties prescribed in the Charter (see Section 125(1) of the City Charter)

STRATEGIC OBJECTIVES

The DPA plays a crucial role in ensuring that Berkeley's law enforcement officers operate in an ethical and responsible manner. To achieve strategic goals, the Director and Council must first establish a clear set of objectives and identify key performance indicators to measure progress. They should also collaborate with internal and external stakeholders to gain buy-in and build support for the accountability program. To improve police accountability, the DPA can implement best practices for reporting and investigating misconduct, as well as develop policies and procedures for officers to follow. Training and education programs can also be implemented to promote transparency and professionalism within the Department and the PAB. By consistently monitoring and evaluating the program's effectiveness, the Director and Council can make necessary adjustments and ensure that the goals are being met. As indicated in Section 125(14)(b) of the City Charter, the DPA shall carry out the work of the Board as described therein, which may include the day-to-day operations of the Board office and staff, and performance appraisals and discipline of all subordinate employees of the Board. To accomplish this work, the Charter outlines specific strategic objectives as presented in Figure 1 and the subsequent section.

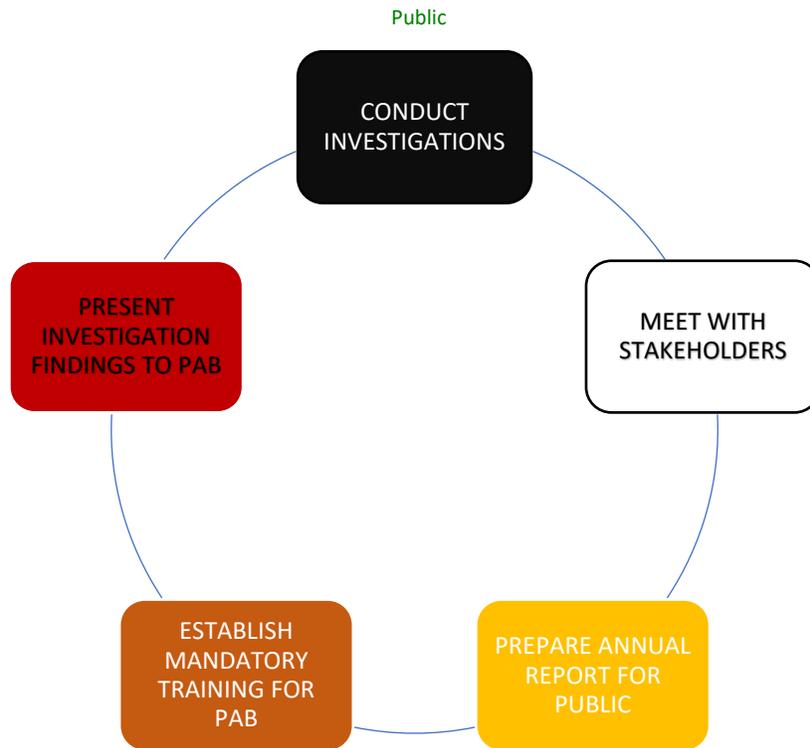


Figure 2 Strategic Objectives

1. The Director of Police Accountability shall establish mandatory training requirements for Board members. (see Section 125(12)(a) of the Charter)
2. The DPA shall assess the conduct of the sworn employees of the Police Department in light of the facts discovered through the investigation, state and federal law, and the policies, practices, procedures, and personnel rules of the City and Berkeley Police Department. (see Section 125(14)(g) of the Charter)
3. The Director of Police Accountability shall present the results of their investigative findings and recommendations to the Police Accountability Board who shall make a recommendation to the Chief of Police regarding the specific complaint. (see Section 125(14)(h) of the Charter)
4. The Director of Police Accountability shall meet periodically with stakeholders, including but not limited to employee organizations representing officers, organizations promoting civil rights and liberties, and organizations representing communities of color, and solicit from them input

regarding the work of the Police Accountability Board and the Office of the Director of Police Accountability. (see Section 125(14)(m) of the Charter)

- 5. The Director of Police Accountability shall prepare an annual report to the public. (see Section 125(16)(b) of the Charter)

YEARLY GOALS

Implementing yearly goals that align with strategic goals is critical for the Director, especially in a newly established city department. First, the Director must work with the City Manager’s Office and the leadership team to gain a clear understanding of the organization's overall strategic objectives. Then, the DPA should develop yearly goals that are specific, measurable, achievable, relevant, and time-bound (SMART). These goals should align with the strategic objectives and address key performance areas such as complaint investigation, officer training, and community engagement. To ensure success, the Director should collaborate with stakeholders within the Police Department and the community to gain their buy-in and support. By implementing yearly goals that are aligned with strategic objectives, the DPA can establish a framework for accountability and ensure that the ODP is ensuring that the Police Department is operating in an ethical and responsible manner.

As the first permanent Director of Police Accountability for the City of Berkeley, my five-year goal plan is to create a comprehensive and sustainable police accountability program that promotes transparency, accountability, and community trust. Here are the key milestones I plan to achieve over the next five years:

Table 1 Yearly Goals

Year	GOALS
1	<ul style="list-style-type: none"> • Ensure that staffing needs are met as contemplated in the Charter.

Year	GOALS
	<ul style="list-style-type: none"> • Implement a complaint intake and case management system that allows community members to report misconduct or other issues related to police behavior, provide feedback to the ODPA/PAB, and display real time complaint data. • Develop training programs for Board members and staff on how to handle complaints and investigations with sensitivity and professionalism. • Codify the specific steps and processes taken at the ODPA during the investigation process (beyond what is outlined in the Final Regulations). • Implement a community engagement program that encourages collaboration between the police department and the community. This will include town hall meetings, community forums, and other events to increase transparency and trust. • Meet with the City’s leadership team to ensure there is clear and unambiguous implementation, interpretation, and support for the ODPA and the PAB. • Secure permanent office location for the ODPA • Produce special 50-year anniversary report and host event to celebrate the work of the PRC/PAB. • Establish an internship and work-study program. • In collaboration with community stakeholders, develop an ODPA/PAB scorecard.
2	<ul style="list-style-type: none"> • In collaboration with community stakeholders, develop a community feedback and perceptions survey to gain continuous insight on the performance of the ODPA, the PAB, and the BPD to inform the decision making and program development. Implement the inaugural feedback and perceptions survey. • Establish a social media policy and presence for the ODPA/PAB

Year	GOALS
	<ul style="list-style-type: none"> • Establish a newsletter or other recurring communications tool to keep the community aware of ODPa/PAB activities. • Lead at least 6 ODPa/PAB led community events throughout the year • Complete at least 85% of cases within 120 days • Complete at 100% of cases within 240 days
3	<ul style="list-style-type: none"> • Lead at least 8 ODPa/PAB led community events throughout the year • Conduct Year 2 of the feedback and perceptions survey. • Complete at least 85% of cases within 120 days • Complete at 100% of cases within 240 days
4	<ul style="list-style-type: none"> • Lead at least 10 ODPa/PAB led community events throughout the year • Conduct Year 3 of the feedback and perceptions survey. • Complete at least 85% of cases within 120 days • Complete at 100% of cases within 240 days
5	<ul style="list-style-type: none"> • Evaluate the effectiveness of the police accountability program and make any necessary changes to ensure that it is meeting the needs of the community. This will include regular surveys, focus groups, and other forms of feedback to ensure that the program is achieving its goals. • Lead at least 12 ODPa/PAB led community events throughout the year • Conduct Year 4 of the feedback and perceptions survey. • Complete at least 85% of cases within 120 days • Complete at 100% of cases within 240 days

YEAR 1 GOALS

Specific tasks to be included in Year 1 include the following:

Staffing and Performance Management

1. Ensure the office is fully staff with the budgeted positions
 - a. Investigator
 - b. Associate Management Analyst (Policy)
 - c. Associate Management Analyst (Data)
 - d. Administrative Assistant
2. Assess whether the current budgeted staffing allocations meets the needs of the ODPa as contemplated by the Charter/PAB/City Council and industry standards for effective oversight.
3. Develop a Departmental policy manual (in collaboration with the CAO and HR) that sets forth the agency's plans for embodying the City's Vision/Mission; community service; collegiality; transparency; and principles of oversight
4. Develop clear position expectations and accountability through S.M.A.R.T. Goal² criteria:
 - a. **S-Specific** What will be accomplished? What actions will you take?
 - b. **M-Measurable** What data will measure the goal? (How much? How well?)
 - c. **A-Achievable** Is the goal doable? Do you have the necessary skills and resources?
 - d. **R-Relevant** How does the goal align with broader goals? Why is the result important?
 - e. **T-Time-Bound** What is the time frame for accomplishing the goal?

² SMART goals were developed by George Doran, Arthur Miller and James Cunningham in their 1981 article "There's a S.M.A.R.T. way to write management goals and objectives". The article can be accessed at: <https://community.mis.temple.edu/mis0855002fall2015/files/2015/10/S.M.A.R.T-Way-Management-Review.pdf>

Day-to-Day Operations

Investigations

In collaboration with the PAB and the City Attorney, create a publicly available Investigations Manual to be used by the ODP. This manual is intended to compliment and further articulate the processes for investigations as stated in the Charter and the Regulations (Interim/Final). The manuals shall describe the processes and methods for incident investigations and for policy review investigations.

Office Continuity Plan³ and Organizational Structure

In collaboration with the City Manager's Office and the City Attorney's Office, create a Continuity of Operations Plan (COOP). These are essential for any organization or business, especially in times of crisis or unexpected disruptions. A COOP is a proactive approach to ensure that essential functions can continue during and after a wide range of emergencies, including natural disasters, cyber-attacks, pandemics, or other unexpected events. By creating a COOP, an organization can minimize the impact of a disruption and maintain its ability to provide critical services to its stakeholders, including employees, customers, and partners. A COOP identifies key resources, processes, and procedures to ensure that critical functions can continue or be quickly restored in the event of an emergency. It also outlines roles and responsibilities, communication plans, and contingencies for any unforeseen circumstances that may arise. Overall, a COOP provides a framework for preparedness, response, and recovery, helping an organization to maintain continuity and protect its reputation, operations, and people.

Charter implementation

Meeting with the City's leadership team is crucial for the successful implementation, interpretation, and support of the ODP and the PAB. By meeting with the City's leadership team, the Director of Police Accountability can ensure that there is a clear and unambiguous understanding of the ODP's and PAB's role and responsibilities. This understanding is essential to ensure that the City's

³ Continuity of Operations Planning (COOP) can be described as the effort within individual agencies to ensure they can continue to perform their mission essential functions during a wide range of emergencies. A potential framework to consider is: https://www.caloes.ca.gov/wp-content/uploads/Preparedness/Documents/2019_Continuity_Guidance_FINAL_01_2019.pdf

leadership team provides the necessary support and resources for the ODPa and PAB to carry out their functions effectively. Additionally, meeting with the leadership team allows the Director of Police Accountability to address any concerns or questions they may have about the ODPa and PAB's operation, as well as provide updates on their activities and progress. Ultimately, by fostering a collaborative relationship with the City's leadership team, the Director of Police Accountability can ensure that the ODPa and PAB have the necessary support and resources to achieve their goals of promoting transparency, accountability, and community trust in the City's police department.

YEAR 2 GOALS

The first year of implementation is focused on establishing the Office of Director of Police Accountability (ODPA) and the Police Accountability Board (PAB). In Year 2, the focus shifts to community engagement and communication. The goals for Year 2 include establishing a social media presence and policy for the ODPa/PAB, creating a recurring newsletter or communication tool to keep the community informed of ODPa/PAB activities, and leading at least six ODPa/PAB-led community events throughout the year. Additionally, the ODPa/PAB will implement an inaugural feedback and perceptions survey to gain continuous insight into the performance of the ODPa, the PAB, and the Berkeley Police Department (BPD).

YEAR 3 GOALS

In Year 3, the ODPa/PAB will continue to prioritize community engagement and communication. The goals for Year 3 include leading at least eight ODPa/PAB-led community events throughout the year, conducting Year 2 of the feedback and perceptions survey, and maintaining a high case completion rate. Specifically, the ODPa/PAB aims to complete at least 85% of cases within 120 days and 100% of cases within 240 days.

YEAR 4 GOALS

The goals for Year 4 are similar to Year 3, with an increased emphasis on community engagement and communication. The ODPA/PAB aims to lead at least 10 ODPA/PAB-led community events throughout the year, conduct Year 3 of the feedback and perceptions survey, and maintain a high case completion rate. The ODPA/PAB aims to complete at least 85% of cases within 120 days and 100% of cases within 240 days.

YEAR 5 GOALS

The final year of the plan is focused on evaluating the effectiveness of the police accountability program and making any necessary changes to ensure that it is meeting the needs of the community. This includes conducting regular surveys, focus groups, and other forms of feedback to ensure that the program is achieving its goals. Additionally, the ODPA/PAB aims to lead at least 12 ODPA/PAB-led community events throughout the year, conduct Year 4 of the feedback and perceptions survey, and maintain a high case completion rate. The ODPA/PAB aims to complete at least 85% of cases within 120 days and 100% of cases within 240 days. Overall, Year 5 is focused on ensuring that the ODPA/PAB program is effective, sustainable, and responsive to the needs of the Berkeley community.

EVALUATION CRITERIA

Based on the description of the Director of Police Accountability's duties and responsibilities, the following objective and verifiable measures could be used to evaluate their performance:

- **Timeliness of investigations:** The time it takes for the Director of Police Accountability to complete the investigations.
- **Accuracy of investigations:** The number of complaints that result in disciplinary action and the consistency of the Director of Police Accountability's findings with the facts and evidence presented.

- **Compliance with policies and procedures:** To ensure and promote credibility and public trust in the ODP, the Director must be held to the highest achievable standards. To this end, the Council should consider monitoring the number of times the Director of Police Accountability deviates from the policies and procedures of the City and Berkeley Police Department.
- **Stakeholder feedback:** The Director of Police Accountability's engagement with stakeholders, including the frequency and quality of communication with employee organizations, civil rights and liberties organizations, and communities of color.
- **Training and education:** The Director of Police Accountability's participation in training and education programs, including those related to quasi-judicial duties, constitutional rights, due process, and police department operations, policies, practices, and procedures.
- **Performance of subordinates:** The Director of Police Accountability's management of subordinate employees, including the completion of performance appraisals and disciplinary actions.
- **Annual report:** The completeness and accuracy of the Director of Police Accountability's annual report to the public, which includes the description of the Board's activities, the Department's and the Board's processes and procedures for investigating alleged misconduct, training and education, policy issues, and statistical data.

These measures can be used to objectively evaluate the performance of the Director of Police Accountability and ensure that they are fulfilling their duties and responsibilities effectively.

EVALUATION METHODOLOGY:

An appropriate evaluation scoring system based on the above objective and verifiable measures could be:

- **Timeliness of investigations:** Assign a score based on the percentage of investigations completed within the City and Berkeley Police Department's guidelines for the investigation process. The higher the percentage, the higher the score.

- **Accuracy of investigations:** Assign a score based on the percentage of complaints that result in disciplinary action. The higher the percentage, the higher the score. Also, assess the consistency of the Director of Police Accountability's findings with the facts and evidence presented and assign a score accordingly.
- **Compliance with policies and procedures:** Assign a score based on the number of times the Director of Police Accountability deviates from the policies and procedures of the City and Berkeley Police Department. The lower the number, the higher the score.
- **Stakeholder feedback:** Conduct regular surveys with employee organizations, civil rights and liberties organizations, and communities of color to gauge their satisfaction with the Director of Police Accountability's engagement and communication. Assign a score based on the overall satisfaction rating.
- **Training and education:** Assign a score based on the number of training and education programs attended by the Director of Police Accountability, including those related to quasi-judicial duties, constitutional rights, due process, and police department operations, policies, practices, and procedures.
- **Performance of subordinates:** Assign a score based on the completion of performance appraisals and disciplinary actions of subordinate employees.
- **Annual report:** Assign a score based on the completeness and accuracy of the Director of Police Accountability's annual report to the public, which includes the description of the Board's activities, the Department's and the Board's processes and procedures for investigating alleged misconduct, training and education, policy issues, and statistical data.

The above measures can be weighted based on their importance and assigned a point value, and the scores can be added up to provide an overall evaluation score for the Director of Police Accountability's performance. This evaluation scoring system ensures that the Director of Police

Accountability is fulfilling their duties and responsibilities effectively and consistently with the City and Berkeley Police Department's policies and procedures.

PROPOSED EVALUATION MATRIX

Table 2 Evaluation Matrix

PERFORMANCE MEASURE	WEIGHT	RAW SCORE	WEIGHTED SCORE (RS X WEIGHT)
Timeliness of investigations	20%		
- <i>Time to complete investigations-</i> Within 120 days: 5 points Within 195 days: 4 points Within 240 days: 3 points			
Accuracy of investigations	20%		
- <i>Consistency of findings with evidence-</i> Consistent: 5 points Mostly consistent: 4 points Somewhat consistent: 3 points Not very consistent: 2 points Inconsistent: 1 point			
Compliance with policies and procedures	15%		
- <i>Deviations from policies and procedures [measured through sustained complaints against the DPA made by any stakeholder via internal or external systems (i.e. employees, HR; officers, PERB; court, employees, etc.):</i> 0-1: 5 points 2-3: 4 points 4-5: 3 points 6-7: 2 points >7: 1 point			
Stakeholder engagement and feedback	15%		
- <i>Engagement with stakeholders (measured by outreach events)-</i>			

Excellent (Met 100% of Annual Goal): 5 points Good (Met 85 % of Annual Goal): 4 points Average (Met 75% of Annual Goal): 3 points Below average (Met 50-74% of Annual Goal): 2 points Poor (Met lower than 50% of Annual Goal): 1 point			
Training and education	10%		
- <i>Participation in training and education programs-</i> >50 hours: 5 points 40-49 hours: 4 points 30-39 hours: 3 points 20-29 hours: 2 points <20 hours: 1 point			
Performance of subordinates	10%		
- <i>Completion of performance appraisals and disciplinary actions in timely manner-</i> Excellent: 5 points; (Met 100% of Annual Goal): Good (Met 85 % of Annual Goal): 4 points Average (Met 75% of Annual Goal): 3 points Below average (Met 50-74% of Annual Goal): 2 points Poor (Met lower than 50% of Annual Goal): 1 point			
Annual report	10%		
- <i>Completion of annual report in Compliance with section 125(16)(b) of the City Charter-</i> Excellent: 5 points; (Met 100% of minimum reporting criteria in accurate manner): Good (Met 85 % of minimum reporting in accurate manner): 4 points Average (Met 75% of minimum reporting in accurate manner): 3 points Below average (Met 50-74% of minimum reporting in accurate manner): 2 points Poor (Met lower than 50% of minimum reporting in accurate manner): 1 point			
TOTAL	100%		

In assessing the Director, the Mayor and Council may wish to consider reviewing the following data sources: Complaint records; Investigation records; disciplinary action records; investigation records; policy and procedure manuals; communication logs; training and education records; performance appraisal records; disciplinary action records; and the annual report.

CONCLUSION

In conclusion, the evaluation of the Director of Police Accountability is a crucial part of ensuring that the City of Berkeley has a fair and effective police accountability system. By implementing the proposed set of objective, verifiable measures and five-year goals plan, the City Council can effectively evaluate the performance of the Director of Police Accountability and hold them accountable for fulfilling their duties and responsibilities.

The proposed measures, which include timeliness and accuracy of investigations, compliance with policies and procedures, stakeholder feedback, training and education, performance of subordinates, and annual report completeness and accuracy, will provide a comprehensive evaluation of the Director's performance. Furthermore, the five-year goals plan will help the Director of Police Accountability to identify areas for improvement and work towards achieving the goals set out by the City Council. The goals plan will be periodically reviewed to ensure that it remains relevant and responsive to the needs of the community and the City.

Overall, the proposed evaluation and goals plan represent a significant step towards a more effective and accountable police accountability system in the City of Berkeley. The City Council should carefully consider and approve these proposals to ensure that the Director of Police Accountability is held to the highest standards of performance and accountability.