



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING SUPPLEMENTAL PACKET
Wednesday, June 5, 2024
6:30 P.M.**

Board Members

John Moore III (Chair)
Kitty Calavita
Brent Blackaby
Alexander Mozes

Leah Wilson (Vice-Chair)
Juliet Leftwich
Joshua Cayetano

MEETING LOCATION

2020 Milvia Street, Suite 250
Berkeley, CA 94704

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ITEM 9.C.

Memorandum from the ODPA to PAB Titled “[Supplemental] - [Status Update-Q2] PAB Policy Review”



MEMORANDUM

Date: June 4, 2024
To: Honorable Members of the Police Accountability Board
From: Hansel A. Aguilar, Director of Police Accountability *HA*
Jose D. Murillo, ODPA Policy Analyst *JM*
Subject: [Supplemental] - [Status Update-Q2] PAB Policy Review

This supplemental memorandum aims to provide the PAB with additional information related to the memorandum dated May 31, 2023, titled "[Status Update – Q2] PAB Policy Review."

Background:

On May 31, 2024, the ODPA issued a memorandum to the PAB titled "[Status Update – Q2] PAB Policy Review." This document provided a brief overview of the number of policy reviews conducted by the PAB since its inception in July 2021. The memo aims to address various questions that have been raised with the ODPA since then.

Questions and Answers:

General Questions

What policy complaints or reviews are not included within the memorandum?

Only complaints submitted to the PAB using ODPA Policy Complaint forms² and reviews initiated by a PAB vote are included. This memorandum does not cover policy reviews

² ODPA Policy Complaint Form: <https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityPolicyComplaintForm.pdf>

mandated by ordinance or the City Charter³, such as those required by Berkeley Municipal Code (BMC) Section 2.99 “Acquisition and Use of Surveillance Technology”⁴ or BMC 2.100 “Police Equipment and Community Safety Ordinance”⁵.

What do the numbers represent (Policy Review numbers)? Why are there different formats?

In the past, our system used the same numbering format for both policy reviews and personnel complaints, making it hard to tell them apart. Under the previous system (PRC), all complaints had a standard case number format. Any case number with four digits was a PRC complaint. This same format continued for complaints received by the ODP (PAB-ODP) during the past administration and up to the end of 2022. To improve clarity, we implemented a new case numbering system in 2023 that distinguishes between policy reviews and personnel complaints. Now, case numbers include the year, the complaint type (either "PR" for Policy Review or "CI" for Complaint Investigation), and a unique number based on the order it was received. For example, "2023-PR-0001" indicates a policy review received in 2023 and assigned the first number that year.

What do the different policy complaint and review statuses mean?

There are four categories used to define the status of each individual policy complaint and review: Open, Closed, Rejected, and Deferred.

- "Open" means that the PAB has formally accepted a complaint and review, and the matter is under investigation.
- "Closed" indicates that the policy complaint or review has been investigated, and a recommendation has been made, if appropriate.
- "Rejected" means that the PAB did not take on the policy review.
- "Deferred" signifies that the policy complaint or review has not been formally accepted or rejected by the PAB, possibly requiring additional information before the PAB decides whether to accept the review.

³ Berkeley City Charter Section 125: <https://berkeley.municipal.codes/Charter/ArtXVIII>

⁴ BMC Section 2.99.030(2): [https://berkeley.municipal.codes/BMC/2.99.030\(2\)](https://berkeley.municipal.codes/BMC/2.99.030(2))

⁵ BMC Section 2.100.040: <https://berkeley.municipal.codes/BMC/2.100.040>

When will cases marked as “Deferred” be presented to the PAB?

Cases marked as “deferred” will be presented to the PAB once the requested initial research or personnel complaint investigation has been completed.

How are policy complaints or reviews assigned?

According to Section G.3.a. of the PAB’s Standing Rules⁶, once a policy complaint is accepted or a policy review is initiated, the PAB determines the next steps. These may include addressing the issue as a full Board, assigning a Board member to conduct research, requesting ODPa staff to investigate or research the matter, or forming a subcommittee. The list of the PAB’s current subcommittee can be found under the materials for Item 8 included with the agenda packet for each PAB regular meeting⁷.

How were the identified completion dates determined?

Completion timelines were estimated based on the progress made during the review and the anticipated work plan. To expedite the process, some policy reviews, such as those related to use of force, may be incorporated into a larger policy review where appropriate.

Has the PAB formally adopted a standardized policy review process?

No, the PAB has only discussed it but did not formally adopt a procedure. The discussion happened at the November 8, 2023 PAB meeting⁸. During the 2024 PAB Strategic Planning session⁹, the PAB also discussed working to develop a standard for these reviews but a formal proposal has not been adopted.

⁶ Police Accountability Board Standing Rules: https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf

⁷ Police Accountability Board Subcommittee List as included in the June 5, 2024 Regular Meeting Packet: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2024-06-05%20PAB%20Regular%20Meeting%20Packet_Final.pdf#page=18

⁸ November 8, 2023 PAB Regular Meeting Minutes: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-11-08%20Regular%20Meeting%20Approved.pdf>

⁹ March 2, 2024 PAB Strategic Planning Session: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2024-03-02%20%20Special%20Meeting%20Minutes.pdf>

Subject Matter Questions

Policy Review #7 is the marked as "Closed" but there is a projected due date for Quarter 3? Why?

The status is marked as closed because the Board disbanded the Mental Health Response subcommittee¹⁰, which was specifically created to review this policy. However, at that time, the PAB did not indicate whether the policy complaint itself was being closed out or if only the subcommittee was being disbanded. This complaint is related to discussions about the Specialized Care Unit (SCU) and its role in mental health response. The PAB may provide clarification on its intentions and reassign the review.

When will Policy Review #2023-PR-007 be ready to be put forward to the PAB?

The personnel complaint investigation related to this policy review has recently been concluded. The ODPA will return this item to the Board for consideration.

¹⁰ June 7, 2023 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-06-07%20RegMtg.Min_Approved.pdf