

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



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA PACKET
June 11, 2025
6:30 PM**

Board Members

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

MEETING LOCATION

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

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Item 2

Board Member Joshua Buswell-Charkow's Oath of Office & Confidentiality



Oath of Office & Confidentiality

Police Accountability Board

I, **JOSHUA BUSWELL-CHARKOW**, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

I further swear (or affirm) that I will abide by and maintain the confidentiality of the personnel files of sworn employees of the Police Department and all other matters that are confidential pursuant to state and federal law.

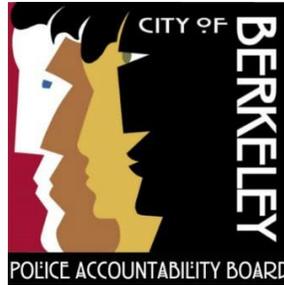
Joshua Buswell-Charkow
Police Accountability Board

The above Oath was subscribed and sworn to before me this _____ day of June, 2025.

Hansel A. Aguilar
Secretary, Police Accountability Board
Director of Police Accountability

Item 3

June 11, 2025 PAB Regular Meeting Agenda



POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA
WEDNESDAY, JUNE 11, 2025
6:30 P.M.

Board Members

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

MEETING LOCATION

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

PUBLIC NOTICE

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

LAND ACKNOWLEDGMENT

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

AGENDA

- 1. CALL TO ORDER AND ROLL CALL (2 MINUTES)**
- 2. ADMINISTERING OATH OF OFFICE & CONFIDENTIALITY TO NEW BOARD MEMBER (ODPA) – (3 MINUTES)**
 - a. District 1 – Joshua Buswell-Charkow (nominated by Councilmember Kesarwani)

3. APPROVAL OF AGENDA (2 MINUTES)

4. PUBLIC COMMENT (TBD)

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

5. APPROVAL OF MINUTES (5 MINUTES)

- a. Minutes for the Regular Meeting of May 21, 2025

6. ODPa STAFF REPORT (10 MINUTES)

Announcements, updates, and other items.

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

The Chair and Board Members report on their activities.

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

Crime/cases of interest, community engagement/department events, staffing, training,

and other items of interest.

9. SUBCOMMITTEE REPORTS (10 MINUTES)

Report of activities and meeting schedule for all subcommittees, possible appointment or reassignment of members to subcommittees, and additional discussion and action as warranted for the subcommittees listed on the PAB's Subcommittee List included in the agenda packet.

10. DISCUSSION AND ACTION ITEMS (1 HOUR 15 MINUTES)

- a. Discussion – Overview of ODPAs Duties, Responsibilities, Workplan, and Current Projects (ODPA) – (15 Minutes)
- b. Discussion and action on the ODPAs-PAB budget (ODPA) – (15 Minutes)
 - i. Review of the Current Budget & Future Budgetary Needs
 - ii. Potential Impacts of a Hiring Freeze
- c. Discussion and action concerning the proposed timeline for the presentation of the ODPAs-PAB Annual Report (ODPA) – (15 Minutes)
- d. Discussion and action regarding the BPD's Mutual Aid Agreements with other law enforcement agencies¹ (continued discussion) (ODPA) – (15 Minutes)
- e. Discussion and action on the proposed rescission of the Police Equipment and Community Safety Ordinance (ODPA) – (15 Minutes)

11. PUBLIC COMMENT (TBD)

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

¹ BPD Agreements, Understandings, and Policies Existing between the Berkeley Police Department and Other Law Enforcement Agencies:
<https://acrobat.adobe.com/link/review?uri=urn%3Aaid%3Aascds%3AUS%3A3a637aa7-7359-45a1-81ed-dee245c93f83>

On April 23, 2025, Chief Louis shared a memorandum dated September 13, 2018, from former Chief Greenwood, titled "Disposition of MOU Compendium Item 3.4, regarding Berkeley Police Department interaction with U.S. Immigration and Customs Enforcement" which is relevant to the proposed discussion:
<https://records.cityofberkeley.info/PublicAccess/api/Document/AeaHRx5Q%C3%894PqxrRi8uAfvugugw1ugL7qIMK7bKOtOdoPfZOOj1Ie1HG10M26eU5oLwKKJYvCUTOu18ymn60ZTrc8%3D/>

12. CLOSED SESSION**CLOSED SESSION ITEMS**

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

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

i.	2023-CI-0016	x.	2025-CI-0007
ii.	2024-CI-0003	xi.	2025-CI-0008
iii.	2024-CI-0004	xii.	2025-CI-0010
iv.	2024-CI-0009	xiii.	2025-CI-0011
v.	2024-CI-0025	xiv.	2025-CI-0013
vi.	2025-CI-0002	xv.	2025-CI-0014
vii.	2025-CI-0003	xvi.	2025-CI-0015
viii.	2025-CI-0004	xvii.	2025-CI-0016
ix.	2025-CI-0006	xviii.	2025-CI-0017

END OF CLOSED SESSION**13. ANNOUNCEMENT OF CLOSED SESSION ACTIONS (1 MINUTE)****14. ADJOURNMENT (1 MINUTE)****Off Agenda Reports**

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

Communications Disclaimer

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



Communication Access Information (A.R. 1.12)

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

SB 343 Disclaimer

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

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

1900 Addison Street, Floor 3, Berkeley, CA 94704

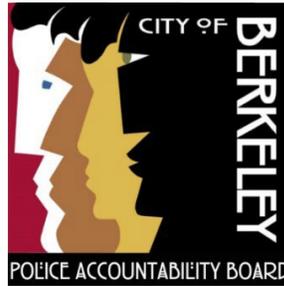
TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955

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

Email: dpa@berkeleyca.gov

Item 5

Minutes for the Regular Meeting of May 21, 2025



POLICE ACCOUNTABILITY BOARD

REGULAR MEETING AGENDA

WEDNESDAY, May 21, 2025

6:30 P.M.

Board Members

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

MINUTES

1. CALL TO ORDER AND ROLL CALL

Present: Board Member Joshua Cayetano (Chair)
 Board Member Kitty Calavita
 Board Member Juliet Leftwich
 Board Member Randy Wells
 Board Member Macharia Edmonds

Absent: Board Member David Williams¹
 Board Member Leah Wilson (Vice Chair)

ODPA Staff: Hansel Aguilar, Director of Police Accountability
 Syed Mehdi, Data Analyst
 Jose Murillo, Policy Analyst
 Daniel Weinberg, Investigative Clerk

BPD Staff: Deputy Chief Tate
 Lieutenant Bonaventure

¹ Board Member Williams is on an extended leave of absence until June 19, 2025.

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Calavita/Leftwich) Motion carried.

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

Noes: None. Abstain: None. Absent: Williams and Wilson.

3. PUBLIC COMMENT

0 Physically Present Speakers

0 Virtually Present Speakers

4. APPROVAL OF MINUTES

- a. Minutes for the Regular Meeting of May 7, 2025

Motion to approve the Minutes for the Regular Meeting of May 7, 2025

Moved/Second (Leftwich/Wells) Motion carried.

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

Noes: None. Abstain: None. Absent: Williams and Wilson.

5. ODPa STAFF REPORT

Director Aguilar reported on several key items: He recognized May as both Mental Health Awareness Month and AANHPI Heritage Month. He noted that the Annual Report is still under review—some feedback has been received, and coordination with the review committee is ongoing. Director Aguilar also shared that a directive from City Council may impact staffing and indicated that this matter would be addressed later in the meeting. He highlighted several upcoming NACOLE webinars including one on the use of AI in police oversight,² and another in August focused on police officer decertification in California.³ Additionally, a regional NACOLE meeting for Bay Area oversight practitioners is also expected to take place in July. Staff and board members interested in attending any of the webinars are encouraged to do so either remotely or from the ODPa office.

² June 12, 2025 NACOLE Webinar Titled “The New World of Artificial Intelligence: Opportunities for Police Oversight Practitioners?”: https://www.nacole.org/2025_nacole_webinar_series_june

³ August 6, 2025 NACOLE Webinar Titled “Hate Crimes, Explicit Bias, and Implicit Bias: Evolution of Standards for Decertification of Police Officers in California”:
https://www.nacole.org/2025_nacole_webinar_series_august

6. CHAIR AND BOARD MEMBERS' REPORTS

The Chair reported that he, the Director, and the Vice Chair met with the Mayor and other parties to discuss letters sent by the PAB to City Council. He also spoke with the Mayor's staff and invited them to attend PAB meetings to provide input. The Chair attended the City Council meeting on May 20, 2025⁴ and gave public comment on the Controlled Equipment Report.

7. CHIEF OF POLICE'S REPORT

Deputy Chief Tate reported on crime/cases of interest, community engagement/departments events, staffing, training, and other items of interest. The Deputy Chief also shared that BPD would be sharing information at the May 22, 2025 meeting of the Budget & Finance Committee⁵.

8. SUBCOMMITTEE REPORTS

The PAB's subcommittees reported on their activities since the last PAB meeting on May 7, 2025.

9. DISCUSSION AND ACTION ITEMS

- a. Discussion – Overview of ODPD Duties, Responsibilities, Workplan, and Current Projects

No formal action was taken. Director Aguilar informs the PAB of Council inquiries related to the PAB-ODPA budget. The item is continued to a future meeting.

- b. Discussion and action on a recommendation to City Council to submit an amicus brief in the case of *Independent Office of Law Enforcement Review & Outreach v. Sonoma County Sheriff's Office*

John Alden, IOLERO's executive director, provides an overview of the issues in *IOLERO v. Sonoma County Sheriff's Office*. The PAB discusses their next steps.

⁴ May 20, 2025 Berkeley City Council Meeting Agenda: <https://berkeleyca.gov/city-council-regular-meeting-agenda-may-20-2025>

⁵ May 21, 2025 City of Berkeley Budget & Finance Committee Meeting Agenda: berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2025-05-22_Agenda_Packet_-_BUDGET_%28Revised%29_1.pdf

Motion to not proceed with the recommendation to City Council to submit an amicus brief in the case of *Independent Office of Law Enforcement Review & Outreach v. Sonoma County Sheriff's Office*.

Moved/Second (Calavita/Leftwich) Motion carried.

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

Noes: None. Abstain: None. Absent: Williams and Wilson.

- c. Recap, discussion, and action regarding the City Council's review of BPD's 2024 Controlled Equipment Report
 - i. PAB-ODPA Updates
 - ii. Recap of Council Discussion

The PAB discusses potential next steps following Council's May 20th approval of the BPD's 2024 Controlled Equipment Report.

Motion to issue a subpoena for the documents relevant for the review of the 2024 Controlled Equipment Report.

Moved/Second (Edmonds/Wells) Motion does not carry, no additional action was taken⁶

Ayes: Calavita, Cayetano, and Edmonds.

Noes: Leftwich and Wells Abstain: None. Absent: Williams and Wilson.

- d. Continued discussion and action on the City of Berkeley's Records Retention Schedule (Leftwich)
 - i. City Clerk's Retention Schedule Update Timeline
 - ii. Berkeley Police Department Retention Schedule
 - iii. PAB-ODPA Retention Schedule

Board Member Leftwich provides background on the item, and Director Aguilar gives an update on the status of the request for information related to the City Clerk's retention schedule update timeline and research into best practices for the retention of similar items.

⁶ Under Chapter V, Section 4, "Voting," of the City of Berkeley Commissioner's Manual: "The number of affirmative votes needed to pass a motion is the same number that constitutes a quorum—a majority of Actual Appointees. This ensures that a majority of those actually appointed to a commission endorse the action being taken." The PAB currently has 7 appointed members, with one member on an approved leave of absence and another absent without leave. As a result, at least 4 affirmative votes are required to pass a motion. Source: <https://berkeleyca.gov/sites/default/files/documents/Commissioners%27%20%26%20Board%20Members%27%20Manual%202025%20Edition.pdf>

- e. Discussion and action on resubmitting to City Council the PAB's recommendation to adopt a stand-alone arrest quota ban, as outlined in the 2024 report *Berkeley Police Department Texting Offenses: An Independent Investigation by the Police Accountability Board*⁷ (ODPA)

Motion to not resubmit the recommendation to Council at this point and instead create a subcommittee to work on the development of a quota prohibition policy with the Berkeley Police Department and assign Board Member Edmonds and Wells to the subcommittee.

Moved/Second (Calavita/Leftwich) Motion carried.

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

Noes: None. Abstain: None. Absent: Williams and Wilson.

- f. Continued discussion and action regarding the BPD's Mutual Aid Agreements with federal immigration officials (Cayetano)

No action was taken. The PAB discussed the current status of the process and the BPD's updates.

10. PUBLIC COMMENT

0 Physically Present Speakers

0 Virtually Present Speakers

11. CLOSED SESSION

CLOSED SESSION ITEMS

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

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

Motion to accept the ODPAs' findings in Case Number 2025-CI-0001 with modification to the recommendation.

Moved/Second (Leftwich/Calavita) Motion carried.

⁷ July 10, 2024 Report Titled: Berkeley Police Department Texting Offences:

https://berkeleyca.gov/sites/default/files/documents/2024-08-29_BPD_Texting_Offences_PAB_Investigation_Report_Final.pdf

Ayes: Calavita, Cayetano, Wells, and Leftwich.

Noes: Edmonds Abstain: None. Absent: Williams and Wilson.

END OF CLOSED SESSION

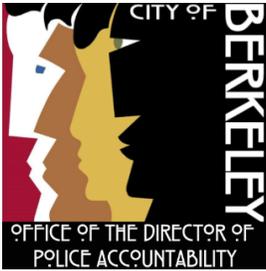
12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

Chair Cayetano announces closed session actions.

13. ADJOURNMENT

Motion to adjourn. Moved/Second (Leftwich/Calavita). The meeting was adjourned at 8:57 PM by unanimous consent.

Item 6
ODPA Staff Report Materials



MEMORANDUM

Date: June 5, 2025

To: Honorable Members of the Police Accountability Board

From: Hansel A. Aguilar, Director of Police Accountability (DPA) *HAA*
 Syed Mehdi, ODPa Data Analyst
 Dan Weinberg, ODPa Investigator

Subject: Recap of 2025 Annual CACOLE Conference - Strengthening Civilian Oversight in a Changing World

Background:

From June 2 to June 4, 2025, staff from the Office of the Director of Police Accountability (ODPA) participated in the 2025 Annual Conference¹ of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE)² in Fredericton, New Brunswick. Director Hansel Aguilar attended in person, while Dan Weinberg and Syed Mehdi participated virtually. Themed “Strengthening Civilian Oversight in a Changing World,” the conference brought together oversight professionals, legal scholars, law enforcement officials, and policymakers to explore contemporary oversight strategies, legislative reforms, and the ethical implications of emerging technologies in law enforcement.

Conference Summary:

The CACOLE conference agenda focused on contemporary challenges and emerging innovations in civilian oversight.

Key Themes:

¹ Cacole 2025 Conference: [Canadian Association for Civilian Oversight of Law Enforcement](#)

² Canadian Association for Civilian Oversight of Law Enforcement (Cacole): [Canadian Association for Civilian Oversight of Law Enforcement \(CACOLE\)](#)

- **Shaping the Future of Oversight and Accountability:** Focused on integrating evidence-based practices into oversight as a dynamic feedback loop to improve police conduct and training.
- **Legal Updates:** Covered recent court rulings and their implications for police oversight agencies' investigative procedures and disciplinary authority.
- **Documenting Critical Incidents:** Explored best practices and legal standards for note-taking in serious harm or death investigations.
- **Engaging the Public:** Examined strategies to increase transparency and trust through meaningful engagement and communications.
- **Civilian Oversight in the Age of AI:** Addressed the opportunities, risks, and ethical considerations of AI integration into law enforcement and oversight processes.
- **Reimagining Police Oversight:** A comprehensive look at legislative reforms and modernization efforts across Canadian provinces and internationally.
- **Navigating the Intersection:** Delved into the overlap between internal police discipline and criminal investigations conducted by serious incident response teams.

Key Takeaways and Relevance to Berkeley:

Although CACOLE's primary focus is on Canadian jurisdictions, several lessons emerged that are highly relevant to the City of Berkeley's oversight efforts:

- The growing emphasis on evidence-based oversight and performance metrics parallels Berkeley's own data-driven initiatives in stop data, use-of-force reviews, and accountability dashboards.
- Discussions on AI in oversight and privacy are timely as jurisdictions grapple with how to ethically and transparently integrate emerging technologies.
- Strategies for public engagement and effective communication emphasized the importance of demystifying oversight processes and building trust through transparency.

- Comparative models for independent investigations, legislative reform, and cross-agency collaboration provided inspiration for continued refinement of our own civilian oversight structures.
- International Oversight Perspectives:
 - **Jamaica's Experience** – The Jamaican Police Civilian Oversight Authority (PCOA)³ shared its approach to modernizing oversight in a resource-limited environment. CEO Otarah Byfield Nugent highlighted the agency's work in legislative reform, accountability, and public engagement. The presentation emphasized the importance of incorporating Caribbean perspectives into global oversight conversations, offering comparative insights applicable to Berkeley's evolving oversight landscape..

Conclusion:

Participation in the 2025 CACOLE Conference provided a unique opportunity to gain international insight into oversight reforms, innovations, and the shared challenges facing accountability institutions. These learnings will directly inform our work at ODPa and support our mission to enhance transparency, procedural justice, and public trust in Berkeley's public safety systems

Attachments:

2025 CACOLE Conference Program: https://cacole.ca/confere-reunion/CACOLE-2025_Conference_Program.pdf

³ Police (Civilian Oversight) Authority: <https://www.pcoa.gov.jm/>

Item 9
PAB Subcommittee List

Updated on 6/6/2025



SUBCOMMITTEES LIST

Subcommittee	Board Members	Chair	BPD Reps
Regulations Formed 7-7-21 Renewed 6-7-2023	Calavita Leftwich <u>Public members:</u> Kitt Saginor	N/A	Chief Louis
Policy Reviews Formed 11-08-2023 Scope Expanded 12-11-2024 to include BWC Policy Review	Leftwich Cayetano <u>Public members:</u> Kitt Saginor	Leftwich	Deputy Chief Tate Sgt. Rafferty
Metrics & Operations Formed 02-05-2025 after the Budget & Metrics and Operations & Processes Subcommittees were consolidated into one	Wilson Wells	N/A	N/A
Outreach & Engagement Formed 11-08-2023 Scope Expanded 03-02-2024 Formally "Commendations"	Cayetano Wells	N/A	N/A
Berkeley Police Department Policies 1010 and 1034 Review Formed 9-25-2024	Williams [Vacant] ¹	TBD	TBD
Arrest Quota Prohibition Formed 5-21-2025	Edmonds Wells	TBD	TBD

¹ Board Member Moore was previously assigned but is no longer on the Board

Updated on 6/6/2025

LIAISON LIST²

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

POLICY COMPLAINTS ASSIGNED TO INDIVIDUAL BOARD MEMBERS³

Policy Review Number	Assigned Board Member
2023-PR-0006	Unassigned ⁴
2024-PR-0003	Unassigned ⁵
2025-PR-0001	Calavita

² Liaison list does not include topics that were originally assigned to a Board Member but later assigned to a subcommittee.

³ This list does not include policy complaints that were originally assigned to an individual Board Member but later assigned to a subcommittee.

⁴ Board Member Moore was previously assigned but is no longer on the Board

⁵ Board Member Moore was previously assigned but is no longer on the Board

Item 10.a.

ODPA Memo Titled “Overview of ODPA Duties, Responsibilities,
Workplan, and Current Projects”



MEMORANDUM

Date: June 6, 2025
 To: Honorable Members of the Police Accountability Board (PAB)
 From: Hansel Alejandro Aguilar, Director of Police Accountability (DPA) *HAA*
 Subject: Overview of ODPa Duties, Responsibilities, Workplan, and Current Projects

This memorandum provides an overview of the statutory responsibilities of the Office of the Director of Police Accountability (ODPA), our current workplan, key staffing roles, and strategic projects underway. This report is intended to support agenda item: "Discussion – Overview of ODPa Duties, Responsibilities, Workplan, and Current Projects."

Background:

The ODPa was established by the voters through Measure II¹, passed in November 2020, and codified in Article XVIII, Section 125 of the Berkeley City Charter.² This measure replaced the former Police Review Commission, originally created on April 17, 1973, with a modernized oversight framework that includes the independent Office of the Director of Police Accountability and the Police Accountability Board (PAB).

Pursuant to Charter Section 125, the Director's duties include:

- Receiving, investigating, and making findings on complaints filed by members of the public alleging misconduct by sworn police officers (Section 125(1)).³

¹ City of Berkeley Measure II: <https://newspack-berkeleyside-cityside.s3.amazonaws.com/wp-content/uploads/2021/10/2020-Measure-II-Berkeley-police.pdf>

² Berkeley Charter Section 125, Police Accountability Board and Director of Police Accountability: <https://berkeley.municipal.codes/Charter/125>

³ Berkeley Charter Section 125(5): [https://berkeley.municipal.codes/Charter/125\(1\)](https://berkeley.municipal.codes/Charter/125(1))

- Making recommendations on discipline (Section 125(18)(i)) and police policies, procedures, and training (Section 125(16)).⁴
- Preparing and presenting reports to the City Council, City Manager, and the public (Section 125(16)).⁵
- Conducting periodic meetings with stakeholders, including civil rights groups, employee organizations, and community-based organizations (Section 125(14)(m)).⁶

ODPA Staffing and Duty Statements:

The current ODPa budget authorizes six full-time positions:

- **1 Director of Police Accountability** (appointed by City Council)
- **2 Police Accountability Investigators**
- **3 Associate Management Analysts** (Policy/Research, Admin, and Data/Research)

Attached to this memo are the duty statements/class specifications for each position. These include detailed job responsibilities and minimum qualifications.

(See Attachments:

- Director of Police Accountability Class Specification
- Police Accountability Investigator Classification (x2)
- Associate Management Analyst Classification (x3))

⁴ Berkeley Charter Section 125(18)(i): [https://berkeley.municipal.codes/Charter/125\(18\)\(i\)](https://berkeley.municipal.codes/Charter/125(18)(i))

⁵ Berkeley Charter Section 125(16): [https://berkeley.municipal.codes/Charter/125\(16\)](https://berkeley.municipal.codes/Charter/125(16))

⁶ Berkeley Charter Section 125(14)(b): [https://berkeley.municipal.codes/Charter/125\(14\)\(b\)](https://berkeley.municipal.codes/Charter/125(14)(b))

Workplan and Current Projects:

The ODPa's FY25-26 workplan focuses on the following areas:

1. Complaint Intake, Investigation, and Adjudication

- Continue to meet Charter deadlines for complaint review and completion.
- Maintain timely collaboration with the Police Accountability Board on cases under its purview.

2. Policy Analysis and Review

- Provide independent reviews of departmental policies.
- Prepare memoranda with recommendations to the Board and Council.

3. Data Transparency and Reporting

- Develop annual and quarterly reporting dashboards on complaint trends, use of force, and misconduct findings.
- Improve internal systems for managing and visualizing case data.

4. Outreach and Community Engagement

- Implement Measure II mandates related to stakeholder meetings.
- Partner with Social Sector Solutions (S3) at UC Berkeley to design a sustainable and evidence-based engagement plan (Spring 2026 cohort).

5. Community Survey and Research Partnerships

- Collaborate with academic institutions to develop and launch a longitudinal public safety and police oversight perception survey.
- Seek to institutionalize this survey for biennial use to inform accountability work.

6. Performance Evaluation Framework

- Operationalize the ODPa Director's Proposed Evaluation Matrix (see attached) by developing performance metrics and public-facing scorecards.

(See Attachments:

- 2023-03-18 Proposal for the DPA Evaluation
- 2025-05-28 Memo to Personnel Board re Classifications
- 2025-05-21 Hiring Freeze Assessment Memo
- Proposed ODPA Events Calendar 2025)

Organizational Context and Structural Challenges

While the ODPA continues to advance the objectives of Measure II, it is important to acknowledge two ongoing structural challenges:

1. **Absence of a Formal Evaluation Framework for the Director:** Despite the Director's submission of a proposed evaluation matrix in March 2023, the City Council has not yet adopted a formal mechanism for evaluating the performance of this role. In the absence of this framework, the Office continues to use the Director's proposed criteria as internal guidance to ensure transparency and accountability.
2. **Structural Ambiguity in Relationship with the PAB:** Although Measure II intended to create an independent Office of the Director of Police Accountability and a separate Police Accountability Board, in practice the ODPA often functions as *de facto* staff to the Board. This has created operational tension and stretched ODPA's capacity to fulfill its investigative and policy functions while supporting Board administration. Clarifying these roles and supporting each entity independently would better align with the intent of the Charter and improve oversight outcomes. In recent years, the ODPA has continued to provide staff support for Board operations, despite its intended structural independence. This has placed added strain on the Office's resources and blurred governance lines between the ODPA and the PAB.

Moreover, the current fiscal challenges facing the City make it unlikely that a structural resolution or additional staffing support for the PAB will be addressed in the immediate future. During the last budget cycle, the Board—through the leadership of Vice Chair Wilson—submitted a budget request for a Senior Management Analyst to support the PAB. The proposal included a supervisory reporting structure under the Director of Police Accountability and outlined responsibilities to strengthen the PAB's policy work, stakeholder engagement, and reporting. However, the request was not funded.

The ODPa remains committed to delivering fair, timely, and independent police oversight for the City of Berkeley. The current projects and staffing reflect both the promise of Measure II and the real-time operational challenges of implementing a national model for civilian oversight.

This overview is submitted for the Board's discussion and alignment as we move forward in FY25-26.

Attachments:

- March 18, 2023 Proposal for the DPA Evaluation
- May 28, 2025 Memo to Personnel Board re Classifications
- May 21, 2025 Hiring Freeze Assessment Memo
- Proposed ODPa Events Calendar 2025
- Director of Police Accountability Class Specification
- Police Accountability Investigator Classification
- Associate Management Analyst Classification
- May 28, 2024 Staff Report to Council: Request for Senior Management Analyst to Support PAB

March 18, 2023 Proposal for the DPA Evaluation



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?	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

Public

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

MAYOR

Jesse Arreguin

CITY COUNCIL

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BERKELEY POLICE DEPARTMENT

Interim Chief Jennifer Louis

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Kitty Calavita

Juliet Leftwich

Deborah Levine

Cheryl Owens

OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY

Hansel Aguilar, Director of Police Accountability

Beneba Thomas, Investigator

Jose Murillo, Policy Analyst

Maritza Martinez, Office Specialist

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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://onbase.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 ODPAA 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.

May 28, 2025 Memo to Personnel Board re Classifications

Public



PERSONNEL BOARD--
INFORMATIONAL REPORT

June 2, 2025

To: Honorable Members of the Personnel Board
From: Office of the Director of Police Accountability (ODPA)
Submitted by: Hansel A. Aguilar, Director of Police Accountability (DPA) 
Subject: Informational Update re: Establish Classification and Salary Range – Chief Investigator and Deputy Director of Police Accountability

PURPOSE

This memorandum provides an informational update to the Personnel Board regarding the proposed classifications of Chief Investigator and Deputy Director of Police Accountability. It follows the May 5, 2025 submission and clarifies the next steps. The memo also outlines the specific actions taken by the Office of the Director of Police Accountability (ODPA) to responsibly formulate and advance these classifications within the broader organizational and legal context of the City of Berkeley.

FORMULATION PROCESS AND TIMELINE OF ACTIONS

Although Berkeley Municipal Code Section 4.04.110(f) and Charter Section 125(14)(i) grant the Director of Police Accountability the authority to bring classification recommendations directly to the Personnel Board, the ODPA undertook a rigorous and collaborative process to ensure due diligence and internal alignment. Key steps and dates include:

- February 2, 2025: Met with the Director of Human Resources to discuss the need for a Chief Investigator classification and overall structural alignment with Charter duties.
- March 14, 2025: Submitted the draft Chief Investigator classification to Human Resources for initial feedback.
- March 18, 2025: Submitted a draft Deputy Director of Police Accountability classification, using the Land Use Planning Manager as a salary benchmark.
- April 17, 2025: Sent follow-up correspondence to Human Resources emphasizing the urgency of establishing classifications before the FY 2026 budget cycle.

- April 22, 2025: Convened a meeting with Human Resources and Budget Office representatives to review fiscal implications and organizational rationale.
- April 26, 2025: Submitted finalized drafts of both classifications to Human Resources for documentation and tracking.
- May 1, 2025: Submitted a formal resolution and memorandum to the Personnel Board recommending the establishment of both classifications, pursuant to Charter authority.

These steps reflect a deliberate and collaborative effort to ensure the proposed classifications are legally sound, operationally necessary, and fiscally informed.

ABSENCE FROM MAY MEETING AND STATUS UPDATE

As noted in my May 2025 correspondence to the Personnel Board (see attached), I was unable to attend the May meeting where the classification items were discussed. I appreciate the Board's consideration of the submitted materials in my absence.

Following that meeting, and in light of the City's May 20th, 2025 appointment of Janelle Rodrigues¹ as the new Director of Human Resources, I have elected to temporarily withhold advancement of the classification resolutions. This pause will provide the new HR Director with an opportunity to review the proposals and ensure alignment with broader citywide classification and organizational practices.

LEGAL AND ORGANIZATIONAL CONTEXT

As outlined in ODPa's May 1, 2025 memo and subsequent Council memoranda dated May 21, 2025 (see attached), the Office currently faces structural and legal constraints that directly affect its ability to meet Charter-mandated obligations:

- Investigative Timelines: Charter Sections 125(18)(e) and 125(18)(d) impose strict deadlines of 120 and 240 days for completing investigations and full disciplinary reviews, respectively.
- Labor Restrictions: Existing Memoranda of Understanding prevent reassignment of investigative duties across classifications without proper authorization and compensation.
- Dual Role Conflict: ODPa continues to function as both an investigative agency and administrative support body for the Police Accountability Board, despite

¹ City Council May 20, 2025 Consent Item- Appointment of Director of Human Resources
<https://berkeleyca.gov/sites/default/files/documents/2025-05-20%20Item%2005%20Appointment%20of%20Director%20of%20Human%20Resources.pdf>

Charter language suggesting separation. This dual responsibility strains available resources and limits capacity.

The proposed classifications of Chief Investigator and Deputy Director are designed to address these constraints and reinforce the Office's ability to fulfill its oversight function in accordance with the Charter.

NEXT STEPS

The ODPA will continue collaborating with the new Director of Human Resources and other relevant City stakeholders to finalize the review of the proposed classifications. A revised proposal will be resubmitted to the Personnel Board once internal consultation is complete and readiness for formal action is confirmed.

CONCLUSION

The ODPA remains committed to maintaining structural integrity, legal compliance, and interdepartmental coordination in support of its Charter-mandated responsibilities. This memorandum is provided for informational purposes only and no Personnel Board action is requested at this time. A revised proposal of the classifications will be resubmitted following internal review and consultation with the Human Resources Department.

CONTACT PERSON

Hansel A. Aguilar, Director of Police Accountability
haguilar@berkeleyca.gov
(510) 981-4950

ATTACHMENTS:

Email Correspondence with the Personnel Board- *Absence from Personnel Board Meeting*

May 21st, 2025 Memorandum to City Council- *Legal, Structural, and Operational Implications of Extending a Hiring Freeze to the Office of the Director of Police Accountability (ODPA) and the Police Accountability Board (PAB)*

May 21, 2025 Hiring Freeze Assessment Memo



MEMORANDUM

Date: May 21, 2025

To: Honorable Mayor Ishii and Members of the Council
Farmiah Brown, City Attorney
Paul Buddenhagen, City Manager
David White, Deputy City Manager
Joshua Cayetano, Police Accountability Board Chair

From: Hansel Aguilar, Director of Police Accountability (DPA) 

Subject: Legal, Structural, and Operational Implications of Extending a Hiring Freeze to the Office of the Director of Police Accountability (ODPA) and the Police Accountability Board (PAB)

I. Executive Summary

This memorandum outlines the legal, structural, and operational consequences of extending the City's hiring freeze to the Office of the Director of Police Accountability (ODPA), including its role supporting the Police Accountability Board (PAB). Given the Charter-mandated duties of the Director and the limitations imposed by both labor law and operational realities, applying a hiring freeze would impair the City's ability to meet its legal obligations under Measure II and the Berkeley City Charter.

II. Charter Duties and Compressed Timelines

The ODPA is legally bound by compressed and binding investigative timelines that are stricter than those established under state law. While Government Code § 3304(d) (POBR)¹ provides a one-year statute of limitations for the imposition of discipline, the Berkeley City Charter and the Memorandum of Understanding (MOU) with the Berkeley Police Association (BPA)² require that administrative investigations be completed on a much tighter schedule.

¹ Source: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=3304.

² Source:

<https://berkeleyca.gov/sites/default/files/documents/Memorandum%20of%20Understanding%20between%20City%20of%20Berkeley%20and%20Berkeley%20Police%20Association.pdf>

Under Charter Section 125(18)(e)³:

Investigation of all complaints filed with the Director of Police Accountability shall begin immediately and proceed as expeditiously as possible. The time limit for completion of an investigation shall be one hundred and twenty (120) days of the City's discovery by a person authorized to initiate an investigation of an alleged act, omission, or other misconduct, unless a Government Code section 3304(d) exception applies.

In addition, Charter Section 125(18)(d)⁴ provides that:

The time limit for investigations and notification of discipline shall be two hundred and forty (240) days from the date of the City's discovery by a person authorized to initiate an investigation of an alleged act, omission, or other misconduct, unless a Government Code section 3304(d) exception applies.

Together, these provisions create a tiered deadline structure:

- A 120-day limit for completing investigations, and
- A 240-day maximum limit for completing the full disciplinary process—including the investigation, presentation to the PAB, Chief's findings, and any City Manager appeal.

The MOU between the City and the Berkeley Police Association reflects the 240-day outer limit but does not replicate the 120-day investigative deadline. That narrower timeline originates solely from the Charter and carries binding legal weight.

Because both of the ODP's two permanent Investigator positions are currently vacant, the office is operating with no full-time investigative staff, making it categorically impossible to meet the required investigative timeline. This incapacity creates urgent and compounding risks:

- The City may be barred from imposing discipline even in cases of confirmed misconduct if the 120-day investigative deadline is missed.
- Investigations may be dismissed or procedurally invalidated, exposing the City to grievances, legal liability, and public criticism.
- The failure to complete investigations within the Charter and MOU deadlines violates the procedural safeguards afforded to both complainants and subject officers.
- The office can no longer function as a parallel, independent mechanism alongside BPD's Internal Affairs Bureau, reversing the parity that City Council explicitly supported last fiscal year by funding these two Investigator positions.

This is not a matter of staffing preference—it is a matter of legal structure. A freeze that prohibits hiring into both vacant Investigator positions would result in structural noncompliance with Measure II, the Charter, and the collectively bargained MOU.

³ Source: [https://berkeley.municipal.codes/Charter/125\(18\)\(e\)](https://berkeley.municipal.codes/Charter/125(18)(e))

⁴ Source: [https://berkeley.municipal.codes/Charter/125\(18\)\(d\)](https://berkeley.municipal.codes/Charter/125(18)(d))

III. Human Resources Delays Beyond ODPa Control

In February 2025, the ODPa notified the Human Resources Department of the need to fill one of its vacant Investigator positions. HR subsequently determined that the eligibility list for the classification had expired. Per City policy⁵, no permanent selection could proceed until a new eligibility list was created—a process still underway at the time of this memo.

In April 2025, the ODPa submitted a second request to initiate the process for filling the other vacant Investigator position. Thus, within a two-month period, the office was actively seeking to fill both of its permanent investigative roles, and in both cases, was dependent on the HR process to move forward.

Given the urgency and Charter significance of the roles, the ODPa pursued multiple temporary pathways to ensure investigative work could continue. Specifically:

- In April 2025, the office engaged with AppleOne to temporarily fill the Investigator functions.
- One temporary contractor has been successfully onboarded and is actively working on case assignments.
- A second temporary contractor is currently undergoing screening, and selection is expected imminently.
- In parallel, ODPa worked with the Human Resources Department to post and finalize a temporary recruitment for an Investigator (NTE six months), payrolled directly through the City of Berkeley, while the permanent eligibility list is being redeveloped by HR.

While these efforts have enabled limited continuity of operations, they are stopgap measures. Temporary staffing cannot fully meet the volume, complexity, and consistency required under the Charter. The delays in permanent hiring, while not caused by ODPa, have already strained compliance with investigative mandates. A hiring freeze applied at this stage would compound these constraints and effectively penalize the office for systemic delays beyond its control.

IV. Labor Constraints and Classification Boundaries

⁵ CITY OF BERKELEY PERSONNEL RULES and REGULATIONS has the following provisions regarding eligibility lists:

7.01 ELIGIBLE LISTS

As soon as possible after the completion of an examination, the Director of Human Resources shall prepare and maintain an eligible list consisting of the names of candidates who qualified in the examination for a class in the career service.

7.02 EFFECTIVE DATES OF LISTS

Eligible lists shall become effective upon the announcement thereof by the Director of Human Resources.

7.03 DURATION OF ELIGIBLE LISTS

Eligible lists shall remain in effect for one year unless exhausted or abolished earlier or extended later than the one year period by the City Manager within his or her discretion.

Source: <https://berkeleyca.gov/sites/default/files/2022-02/PersonnelRulesAndRegulationsManual.pdf>

The ODPAs's remaining two permanent staff are non-exempt, union-represented employees covered under the SEIU Local 1021 Community Services & PTRLA MOU⁶. The redistribution of investigative duties to analysts is both infeasible—due to lack of cross-training—and potentially in violation of classification protections and MOU provisions.

Under Section 10.7 of the MOU, “*The Department Heads will work all employees within their career classification.*” While temporary assignments to higher classifications are permitted under specific criteria, such assignments must be made in writing, approved in advance by the City Manager if exceeding one week, and require the employee to meet all minimum qualifications of the higher classification and perform those duties in full. Moreover, these assignments must include a salary adjustment of at least 5% above the employee's base rate.

Further, if employees are deemed to be working out of classification without proper authorization, they may be entitled to back pay upon review through the desk audit process (MOU §10.11). Given these requirements and the specialized nature of investigative duties, there is no feasible path to legally or operationally reassign investigations to non-investigative classifications.

In addition, mandatory overtime may only be assigned at the discretion of the Department Head and must be compensated at one-and-a-half times the employee's regular rate under MOU §13.2.1. Even with this authority, extended overtime obligations may erode morale, retention, and productivity, and would not represent a sustainable or lawful staffing solution.

Without authority to redistribute work, reduce workload, or exceed classification boundaries, a hiring freeze would functionally mandate a workload freeze—something the City Charter does not permit.

In short:

- The ODPAs **cannot** redistribute investigative duties without violating classification protections;
- It **cannot** pause or suspend investigative work without violating Charter Section 125(18)(e) and (18)(d);
- It **cannot** impose extended overtime without risking legal exposure and operational breakdown.

This makes the hiring freeze not only impractical but incompatible with both the City Charter and the labor agreement governing ODPAs's current workforce.

V. Charter Structure and PAB Staffing Misalignment

Charter Section 125(4)(a) states:

⁶ Source:

Memorandum of Understanding: SEIU Local 1021 CSU/PTRLA
<https://berkeleyca.gov/sites/default/files/documents/2024-12-03%20Special%20Item%2001%20Memorandum%20of%20Understanding.pdf>

Notwithstanding Article VII of the Charter, and except as provided in section 14(b), 14(i) or 14(k), the Police Accountability Board, its staff and the Director of Police Accountability shall be independent of the City Manager.

This language references the PAB, its staff, and the Director as three distinct entities. The phrasing strongly suggests that the Charter contemplated the Board having its own staff, separate from the ODPa.

In practice, however, the ODPa has functioned as the de facto staff to the Board—preparing agendas, staffing public meetings, managing subcommittees, and ensuring compliance with public records, minutes, and noticing requirements. These duties are significant and recurring.

Per Charter Section 125(13)(a):

At the beginning of each calendar year, the Board shall establish a regular meeting schedule consisting of at least eighteen (18) meetings.

According to the 2025 Commissioners' & Board Members' Manual⁷, the number of meetings for other commissions is set by the City Council on a body-by-body basis. Most commissions operate under Council-imposed meeting limits⁸, while the PAB is legally required under the Charter to meet at least 18 times annually, making it one of the most active public bodies in the City.

This mandatory meeting frequency, along with standing and ad hoc subcommittee activity, requires sustained staff capacity and continuous logistical support. As a result, the ODPa's investigative and administrative resources are routinely divided between independent complaint investigations and administrative support for Board operations.

This dual-role structure—in which ODPa must serve both as the investigative agency and the administrative arm of the PAB—was not explicitly contemplated in the Charter and may be inconsistent with its structural intent, particularly given the legal mandates and compressed timelines imposed by Charter Section 125(18).

VI. Hiring Freeze Assessment and Alignment with City Manager Exemption Criteria

⁷ COMMISSIONERS' & BOARD MEMBERS' MANUAL 2025 Edition
BACKGROUND INFORMATION RULES AND PROCEDURES
AMENDED AND OFFICIALLY ADOPTED BY Resolution No. 71,677-N.S.

Source:

https://berkeleyca.gov/sites/default/files/documents/Commissioners%27%20%26%20Board%20Members%27%20Manual%202025%20Edition_WCAG.pdf

⁸ Most commissions are limited to 10 meetings per year. set by Resolution No. 68,258-N.S

Sources: Ibid pg. 52;

<https://records.cityofberkeley.info/PublicAccess/api/Document/AT6ySQUIRtznSXCf701j4WW5956w74PoUUdb3fxT5fq8wgVszZK3ziS77OFFVsTuyHahnROIW7QyKeC6htBUGw8%3D/>

The Citywide hiring freeze was first communicated directly to me by City Manager Paul Buddenhagen on April 17, 2025. Following this initial notification, the ODPA immediately began assessing the implications of a freeze on its Charter-mandated operations and staffing structure.

On April 18, 2025, upon review of the formal Hiring Freeze Guidelines issued by the City Manager's Office, the ODPA evaluated whether its vacant positions would qualify for exemption—should Council direct the office to adopt the framework or apply it more broadly across Charter offices.

The City Manager's guidelines state that to qualify for exemption, the request must demonstrate that the position fills essential functions. Factors may include:

1. The position is necessary to protect public health and safety
2. The position performs a mandated function or essential municipal service
3. The position is the only classification that performs a particular function and there is no other way to perform the function
4. The position generates revenue and has no negative financial impact
5. The position can be supported by an alternative funding source (i.e., grant)
6. Requirements within a Memorandum of Understanding

Based on this framework, the ODPA has concluded that each of the three current vacancies meet multiple exemption factors:

- Permanent Investigator Positions (2 Vacancies)

- These positions are the only classification in the office trained and qualified to conduct independent investigations into complaints against sworn personnel.
- They perform a mandated function under the Berkeley City Charter (Sections 125(18)(d) and (e)), which imposes strict investigative and disciplinary deadlines.
- Investigative responsibilities also fall under the City's Memorandum of Understanding with the Berkeley Police Association, which reinforces procedural timelines and disciplinary rights.
- No other staff in the office is classified, trained, or authorized to absorb these responsibilities.

- Administrative Analyst Position (1 Vacancy)

- This position supports essential municipal functions, including policy analysis, records coordination, budget tracking, and legislative support for the Police Accountability Board.
- The Board is required by Charter Section 125(13)(a) to meet at least 18 times per year, significantly more than most commissions whose meeting frequency is set and capped by Council.
- This classification is the only one within ODPA currently structured to perform these administrative functions. Its absence affects both core operations and Charter-mandated obligations.

- While the position has been temporarily supported by a contractor, and the office has initiated a not-to-exceed six-month recruitment for internal backfill, a permanent solution is essential to operational continuity.

Each of these positions is already authorized and budgeted, and no alternative staff can legally or operationally perform the associated functions. The risk of non-compliance with the Charter, collective bargaining obligations, or investigative timelines is both imminent and material.

Additionally, these positions clearly satisfy the exemption criterion related to public health and safety. The Charter's stated purpose for both the PAB and the ODPa confirms this link:

The purpose of the Police Accountability Board is to promote public trust through independent, objective, civilian oversight of the Berkeley Police Department, provide community participation in setting and reviewing Police Department policies, practices, and procedures, and to provide a means for prompt, impartial and fair investigation of complaints brought by members of the public against sworn employees of the Berkeley Police Department.

— Charter §125(1)

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.

— Charter §125(1)

These oversight functions are not purely administrative; they are a fundamental part of the City's public safety system. Independent investigations, community-based policy review, and transparent accountability mechanisms contribute directly to lawful, effective, and trusted policing. As such, the ODPa and PAB form an integral part of the City's public safety infrastructure, as defined by its own governing document.

Accordingly, the ODPa respectfully submits that, under the City Manager's framework, all three positions meet the exemption criteria—including those tied to essential municipal functions, labor agreements, singular classification responsibilities, and public safety imperatives.

VII. Recommendation

Based on the foregoing assessment, the Office of the Director of Police Accountability recommends that the office be fully exempted from the hiring freeze. The functions performed by the office are mandated by the City Charter, subject to strict investigative and disciplinary timelines, and integral to the City's public safety infrastructure. Applying a freeze to the ODPa would not only be operationally disruptive but may also constitute an impermissible constraint on a legally required municipal function.

As of the date of this memorandum, the office is actively managing at least 17 open personnel cases and conducting 13 policy reviews—each of which is tied to Charter-imposed duties and

public expectations of transparency, accountability, and timely resolution. Without sufficient investigative and analytical staffing, the office cannot sustain the current caseload or respond to future incidents and inquiries in a timely or legally compliant manner.

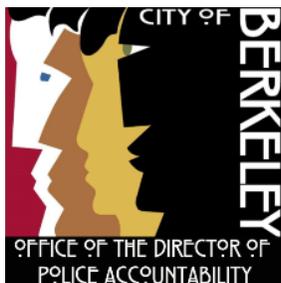
However, should the Council determine that the hiring freeze framework should be formally adopted or extended to all Charter offices, the ODPa respectfully requests that the three current vacancies—two permanent Investigator positions and one permanent Administrative Analyst position—be approved as exempt under the City Manager’s April 18, 2025 hiring freeze exemption criteria. This would allow the office to continue its live recruitment efforts and finalize time-sensitive hiring actions necessary to fulfill its Charter mandates and ongoing operational responsibilities.

VIII. Conclusion

The ODPa and Police Accountability Board were created by Berkeley voters through Measure II to ensure transparent, independent, and timely oversight of law enforcement. As this memo has demonstrated, the inability to staff essential positions due to a hiring freeze would render the office unable to meet the legal obligations established by the Charter and reinforced through collective bargaining agreements.

A hiring freeze, without exemptions for the ODPa’s critical roles, would jeopardize compliance, delay investigations, compromise procedural protections for both community members and officers, and erode the public trust that this oversight system was designed to promote. The ODPa appreciates the Council’s attention to these issues and stands ready to support any further discussion or clarification regarding the essential nature of its work.

Proposed ODPa Events Calendar 2025



MEMORANDUM

Date: June 6, 2025
 To: Honorable Members of the Police Accountability Board
 From: Hansel A. Aguilar, Director of Police Accountability *HAA*
 Subject: ODPa Preliminary 2025 Calendar of Events

The Office of the Director of Police Accountability (ODPA) submits this preliminary calendar of events for 2025 for the Board's review. All event titles and descriptions are presented as working titles to allow for refinement based on Board input and community feedback. The calendar is designed to promote diversity, facilitate inclusive community dialogue, and enhance transparency and accountability in public safety practices.

Preliminary 2025 Calendar of Events

Q1: January – March

- **Community Visioning Session on Police Accountability**
Objective: Collaborate with the community to identify shared priorities and goals for enhancing police accountability and transparency. Discussions will focus on building trust, identifying barriers, and co-creating solutions to improve oversight and accountability mechanisms.
- **Black History Month: Policing and Public Safety Through a Black Lens**
Objective: A community forum centered on the historical and current experiences of Black individuals and communities with policing and public safety systems. Discussions may include the impact of systemic inequities and pathways toward fostering trust and justice.

- **Women’s History Month: Women in Public Safety Leadership**

Objective: A panel discussion showcasing the contributions of women in shaping inclusive and equitable public safety strategies.

Q2: April – June

- **A Conversation About Public Safety Technologies**

Objective: Facilitate a critical dialogue on the implications of emerging technologies, such as AI and surveillance tools, in public safety practices.

Proposed Timing: May 17th, aligning with World Telecommunication and Information Society Day.

- **Asian American Pacific Islander Heritage Month: Building Bridges with AAPI Communities**

Objective: Address the unique challenges and opportunities faced by AAPI communities in fostering trust and engagement with public safety systems.

- **Public Safety and Data Tools Day**

Objective: Host a collaborative event with the Berkeley Police Department (BPD) to educate the community on navigating the Transparency Hub and other public safety or data tools. The event will highlight how these resources can be used to access public safety data and promote transparency.

Q3: July – September

- **Annual Report Presentation and Community Feedback Session**

Objective: Present the ODPa’s annual report to the community, reflecting on feedback received during the Council presentation and outlining next steps.

Proposed Timing: July (Q3), after Council consideration in April.

- **State of Public Safety and Accountability in the City of Berkeley**

Objective: Provide a mid-year review of public safety initiatives and accountability measures, highlighting progress and challenges.

- **Developing a Disciplinary Matrix for Berkeley Police Accountability**
Objective: Engage the community in discussions about creating transparent, equitable, and consistent disciplinary practices for law enforcement.

Q4: October – December

- **Hispanic Heritage Month: Latino Perspectives on Public Safety and Accountability**
Objective: Explore the experiences of Latino communities with public safety systems and discuss collaborative solutions.
- **Native American Heritage Month: Honoring Indigenous Perspectives on Public Safety**
Objective: Recognize and address the public safety challenges affecting Indigenous communities in Berkeley and beyond.
- **End-of-Year Community Reflection on Public Safety Progress**
Objective: Provide a space for community reflection on progress made and identify key priorities for the coming year.

Next Steps

1. Solicit feedback from the Board to refine the proposed event schedule and working titles.
2. Collaborate with local organizations, community stakeholders, and the Berkeley Police Department to ensure broad participation and engagement.
3. Finalize the calendar based on input and prepare for implementation.

The ODPa remains committed to fostering meaningful dialogue and advancing accountability through a diverse and inclusive calendar of events.

Director of Police Accountability Class Specification



City of Berkeley
Director of Police Accountability

CLASS CODE	9008	SALARY	\$78.49 - \$117.73 Hourly \$6,279.10 - \$9,418.66 Biweekly \$13,604.73 - \$20,407.09 Monthly \$163,256.70 - \$244,885.06 Annually
ESTABLISHED DATE	June 14, 2021	REVISION DATE	October 29, 2021

Description

DEFINITION:

Under direction of the City Council, plans, organizes, directs and reviews, the activities and operations of the Office of the Director of Police Accountability and Police Accountability Board; coordinates activities and fosters cooperative working relationships with City departments, outside agencies, and civic groups; performs related work as assigned.

CLASS CHARACTERISTICS:

This is a single-position executive management classification. The Director of Police Accountability duties are administrative/managerial and highly complex in nature, involving highly technical functions. The incumbent has broad management authority for the day-to-day operations of the Office of the Director of Police Accountability and Police Accountability Board. The Director of Police Accountability is appointed by the City Council.

Examples of Duties

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s) and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification, or is similar or closely related to another duty statement.

1. Develop, plan and implement the activities; goals and objectives; recommend and administer policies and procedures of the Office of Director of Police Accountability and Police Accountability Board;
2. Coordinate activities with other departments, outside agencies and organizations, and civic groups; provide staff assistance to the City Council; prepare and present staff reports and other necessary correspondence;
3. Direct, oversee and participate in the development of work plans; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures;

4. Supervise and participate in the budget development and administration; direct the forecast of additional funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement mid-year adjustments;
5. Select, train, motivate and evaluate personnel; provide or coordinate training for staff and the Police Accountability Board; conduct performance evaluations; implement discipline procedures; maintain discipline and high standards necessary for the efficient and professional operation of the Office of Director of Police Accountability;
6. Represent the Office of Director of Police Accountability to outside groups and organizations; participate in outside community and professional groups and committees; provide technical assistance as necessary;
7. Monitor the efficiency and effectiveness of the Office of the Director of Police Accountability work products through quality control and related activities;
8. Prepare and make presentations to City officials, community members and others as required;
9. Monitor, audit, and report on internal investigations conducted by the Police Department concerning allegations of excessive/unnecessary force or other misconduct issues as deemed appropriate; attend briefings and interviews; request information for further investigation if deemed necessary;
10. Review and audit Police Department Internal Affairs documents, reports, and resolutions; develop independent conclusions and produce reports as appropriate for the Police Accountability Board and/or City Council;
11. Manage, oversee, and participate in the initial processing of complaints received by the Police Accountability Board or the Police Accountability Board from citizens alleging misconduct or other concerns; document, review, and analyze complaints; communicate with citizens, police staff, and/or others as needed to identify complaint issues; determine level of follow-up required;
12. Develop and prepare recommendations regarding Department policies and procedures related to internal investigations of complaints filed against officers and Police Department operations;
13. Participate on committees, boards, task forces, and in community activities as assigned; attend meetings, conferences, and workshops as assigned;
14. Within legal and Department policy requirements, oversee and perform investigations on complaints received from citizens; make appropriate contacts with the Police Department and/or others to begin investigation; request and review documents, reports, and/or other items deemed pertinent to the matter under investigation;
15. Attend and/or conduct investigative interviews within legal parameters; develop/prepare conclusions, recommendations, and reports;
16. May respond on-site to incidents if deemed necessary; and monitor on-site interviews of Police Department personnel, witnesses, and citizens as appropriate;
17. Monitor legislation and assure City compliance with related laws, regulations, statutes, and codes;
18. Advise the Police Accountability Board and City Council regarding any pending or ongoing department matters that are of concern or could have significant impact on City operations;
19. Build and maintain positive working relationships with co-workers, other employees and the public using principles of good customer service;
20. Perform related duties as assigned.

Knowledge and Abilities

Note: The level and scope of the knowledges and skills listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Principles and practices of modern public administration, particularly related to areas of law enforcement;
2. Best practices in, and principles and practices of civilian oversight of law enforcement, and reducing impacts of implicit bias against marginalized groups;
3. Principles and practices of leadership, motivation, team building and conflict resolution;
4. Pertinent local, State and Federal laws, rules and regulations;
5. Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs;
6. Principles and practices of organization, administration and personnel management;
7. Principles and practices of budget preparation and administration;
8. Principles of supervision, training and performance evaluation;
9. Investigative principles, methods, and practices;
10. General legal principles, practices, terminology, and documents;
11. Public relations practices and techniques; public speaking;
12. Current literature, laws, regulations, and developments, as well as various agencies, that impact municipal police internal investigations;
13. Research methods; report writing techniques; statistical concepts and methods; principles and techniques of project management.
14. Some other items that may resonate in the community include the following:
 1. Procedures for gathering, analyzing and procedures for evaluating evidence
 2. Civil rights of citizens

Ability to:

1. Plan, direct and control the administration and operations of the Office of the Director of Police Accountability;
2. Maintain commitment to civilian oversight of law enforcement.
3. Implement investigative procedures and standards consistent with best practices for civilian oversight agencies to ensure that investigations are fair, prompt, and unbiased.
4. Develop and implement department policies;
5. Gain cooperation through discussion and collaboration;
6. Successfully develop, control and administer departmental budget and expenditures;
7. Interpret and apply City policies, procedures, rules and regulations;
8. Supervise, train and evaluate assigned staff;
9. Direct and perform complex and difficult investigations involving sensitive and confidential legal matters;
10. Meet critical deadlines; make decisions under pressure;
11. Develop, recommend, and administer policies and procedures related to complaint investigations;
12. Read, interpret, and analyze complex laws and regulations, and recommend/implement effective and reasonable courses of action;
13. Prepare and give effective public presentations;
14. Prepare and present complex narrative and statistical reports, correspondence, and other documents;
15. Communicate clearly and concisely, both orally and in writing;
16. Operate and use modern office equipment including computers and applicable software;
17. Establish and maintain effective working relationships with those contacted in the course of work.

Minimum Qualifications

A TYPICAL WAY OF GAINING THE KNOWLEDGE AND SKILLS OUTLINED ABOVE IS:

Equivalent to a Bachelor's degree from an accredited college or university with major coursework in law enforcement, police science, public or business administration, or a related field and five years of experience performing professional administrative/investigative or legal/investigative work including substantial involvement with law enforcement issues. An appropriate advanced degree is desirable.

OTHER REQUIREMENTS:

Must be able to travel to various locations within and outside the City of Berkeley to meet program needs and to fulfill the job responsibilities. When driving on City business, the incumbent is required to maintain a valid California driver's license as well as a satisfactory driving record.

Classification History

Title: Director of Police Accountability

Classification Code: 11190

Established: May 25, 2021

FLSA Status: Exempt

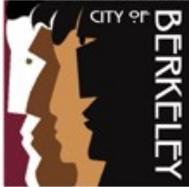
Admin Leave / Overtime: Admin Leave

Representation Unit: Unrepresented

Probationary Period: N/A

Workers' Comp Code: 8810

Police Accountability Investigator Classification



City of Berkeley

Police Accountability Investigator

CLASS CODE	2149	SALARY	\$53.68 - \$64.69 Hourly \$4,294.18 - \$5,175.02 Biweekly \$9,304.07 - \$11,212.55 Monthly \$111,648.78 - \$134,550.62 Annually
ESTABLISHED DATE	March 07, 2022	REVISION DATE	May 12, 2023

Description

DEFINITION Under general supervision, investigates complaints against police personnel or regarding police policy or practices; performs related work as assigned.

CLASS CHARACTERISTICS The responsibilities of this class involve serving as an independent investigator of civilian complaints against members of the Police Department or against police policy or practices and managing/staffing the Hearing Panel process. This class is distinguished from other analytical or investigative classes throughout the City in that the duties relate specifically to the functions of the Office of the Director of Police Accountability (ODPA) and require the training to complete analysis of applicable laws and statutes. It is further distinguished from the Director of Police Accountability in that the latter is the supervisory class of the series, and also provides staff support to the Police Accountability Board (Board).

Examples of Duties

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s) and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification, or is similar or closely related to another duty statement.

1. Investigates complaints regarding individual staff activities or departmental policy concerning the City's Police Department; notifies or confers with the complainant regarding review of policies, procedures and potential outcomes; listens to communication tapes, views body-worn camera video, interviews principals and witnesses and obtains information from associated agencies, City departments and legal staff;
2. Maintains liaison with police command staff and Internal Affairs Bureau staff.
3. Compiles information and prepares detailed analytical report including analysis of police

procedures and legal analysis of conduct under applicable statutes, for submission to the full Board and, if needed to a Hearing Panel of the Board;

4. Attends Board meetings as required, providing additional information, policy and legal-related advice as required;

5. Following completed investigations, helps the Director manage and staff all presentations of findings and recommendations to the full Board and to Hearing Panels; also serves as a resource to the Board members and all parties for procedural, analytical, and legal questions.

6. Sends copies of findings and recommendations of the full Board and of Hearing Panels to interested parties;

7. May be asked to maintain ODPa and Board records and reports; maintains statistical records of ODPa and Board work and of complaints made to the ODPa, analyzes trends and makes recommendation for action by the Board;

8. Handles varied requests for information regarding ODPa and Board activities;

9. Performs related duties as assigned

Knowledge and Abilities

Note: The level and scope of the knowledge and skills listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Principles, laws and regulations regarding criminal law and procedure, and the rights and activities of police staff;

1. Analytical principles and techniques;

1. Basic law enforcement principles and practices;

1. Office administrative principles and practices.

Skill in:

1. Obtaining factual information from members of varied ethnic and socio-economic groups;

1. Analyzing complex problems, evaluating alternatives and reaching sound conclusions within legal and procedural constraints;
1. Understanding, researching, interpreting and explaining complex constitutional principles, laws, ordinances and regulations;
1. Maintaining accurate records and files;
1. Establishing and maintaining effective working relationships with those contacted in the course of the work;
1. Preparing clear, concise and effective written reports, correspondence, Council action items and other written materials.

Minimum Qualifications

A TYPICAL WAY OF GAINING THE KNOWLEDGE AND SKILLS OUTLINED ABOVE IS:

Equivalent to graduation from a four-year college with major course work in law or public administration or a closely related field and two (2) years of analytical, investigative and/or legal-related experience in a public agency or similar setting.

Experience which will have provided a familiarity with law enforcement procedures and a skill in dealing with members of various ethnic and socio-economic groups is desirable. Some legal education and/or training, sufficient to perform the requirements of this classification, is required. Progressively responsible related experience may be substituted for the college course work on a year-for-year basis.

SPECIAL STATUS

This classification is excluded from the competitive service and the incumbent employed will be employed as an "AT-WILL" employee.

OTHER REQUIREMENTS

Must be willing to travel to various locations within and outside the City of Berkeley to meet the program needs and to fulfill the job responsibilities. When driving on City business, maintenance of a valid California driver's license and a satisfactory driving record is required. Must be willing to conduct off-hours interviews and attend off-hours meetings.

Associate Management Analyst Classification



City of Berkeley
Associate Management Analyst

CLASS CODE	2018	SALARY	\$51.84 - \$61.55 Hourly \$4,146.81 - \$4,924.07 Biweekly \$8,984.75 - \$10,668.82 Monthly \$107,817.01 - \$128,025.87 Annually
ESTABLISHED DATE	October 07, 2008	REVISION DATE	October 07, 2008

Description

DEFINITION

Under general supervision, performs responsible administrative, systems, statistical, and other management analyses in support of departmental or division activities and functions; makes recommendations for action; assists in policy, procedure, and budget development and implementation; performs related work as assigned.

CLASS CHARACTERISTICS

This is the journey-level class of the series, fully competent to perform responsible and difficult analytical work in varied departmental staff support areas as designated by management staff. Projects may include statistical analyses, operations support, policy, procedure and budget development, or other areas specific to the department. Incumbents are expected to exercise independent judgment in selecting study approach and analytical techniques and in making sound recommendations based on study results. This class is distinguished from Senior Management Analyst in that the latter performs more complex analytical work with greater impact due to size or scope or may have ongoing programmatic responsibilities in addition to the analytical responsibilities.

Examples of Duties

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s) and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification, or is similar or closely related to another duty statement.

1. Plans and organizes administrative or management studies relating to the activities or operations of the department or functional area to which assigned;
2. Analyzes alternatives and makes recommendations regarding such areas as organizational structure, staffing, facilities, equipment, cost analysis, productivity, and policy or procedure modifications; discusses findings with management staff and prepares reports of study conclusions;

3. Assists in the development and implementation of departmental or division goals and objectives; gathers data and prepares administrative or fiscal reports; makes or participates in surveys, analyzes results, and proposes actions indicated to affect economy, efficiency, and improvements in administration, operations, and services;
4. Analyzes the organization and functioning of units in the departments including the procedures, systems, work methods, forms, records, and files used; creates workflow studies or time and cost analyses; makes recommendations on methods and systems used to improve the efficiency of operations and services;
5. Analyzes and advises in departmental personnel management such as performance ratings, employee placement and assignment, staff utilization and staffing patterns, discipline, employee relations, training, and grievances;
6. Represents the supervisor at meetings with commissions, boards, other departments or agencies, civic groups, and the public; acts in the absence of a superior on routine matters;
7. Coordinates the preparation of grant applications to secure federal, state, or private funds; gathers information, writes narratives, makes necessary contacts with city and non-city personnel; assures follow-up with granting agency; establishes monitoring procedures, prepares evaluations;
8. Conducts a variety of special projects and programs related to the functions of the department or division to which assigned;
9. May assist in developing and administering the annual budget, including gathering information and monitoring expenditures;
10. Coordinates activities with those of other departments, depending upon the nature of the project to which assigned; confers with representatives of other governmental agencies, groups, vendors, and the public;
11. Reviews contracts, invoices, vouchers, and other city agreements and performs various financial analyses and reconciliations;
12. May perform program administrative functions in a specified area, such as rent stabilization;
13. Provides technical assistance to others on administrative and analytical matters;
14. May develop or utilize computer applications to assist with analytical studies;
15. Prepares technical reports, correspondence, and other written materials; may direct the work of support staff;
16. Performs related duties as assigned.

Knowledge and Abilities

Note: The level and scope of the knowledge and skills listed below are related to job duties as defined under Class Characteristics.

KNOWLEDGE OF:

1. Principles, practices, and methods of administrative and organizational analysis;
2. Public administration principles and practices;
3. Business computer user applications, particularly as related to statistical analysis and data management;
4. Financial, statistical, and comparative analysis techniques and formulae;
5. Basic budgetary principles and practice;
6. Basic supervisory principles and practices.

SKILL IN:

1. Analyzing administrative, operational, and organizational problems, evaluating alternatives, and reaching sound conclusions;
2. Collecting, evaluating, and interpreting varied information and data, either in statistical or narrative form;

3. Interpreting and applying laws, regulations, policies and procedures;
4. Preparing clear, concise, and complete reports and other written materials;
5. Maintaining accurate records and files;
6. Directing the work of others daily;
7. Coordinating multiple projects and meeting critical deadlines;
8. Exercising sound independent judgment within established guidelines;
9. Establishing and maintaining effective working relationships with those contacted in the course of the work.

Minimum Qualifications

A TYPICAL WAY OF GAINING THE KNOWLEDGE AND SKILLS OUTLINED ABOVE IS:

Equivalent to graduation from a four-year college with major coursework in business or public administration or a closely related field and two (2) years of professional experience in administration, management, systems, operations, budgetary, or similar analyses. Responsible office or program administration or similar subprofessional work may be substituted for education on a year-for-year basis.

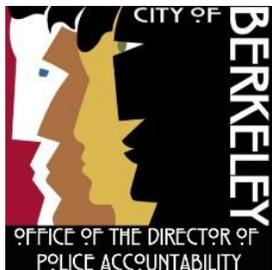
SPECIAL STATUS

When this classification is used in the City Manager's Office to fill a position in their immediate staff, the incumbent will be employed in an EXEMPT status.

OTHER REQUIREMENTS

Specified positions may require possession of a valid California driver's license and a satisfactory driving record.

May 28, 2024 Staff Report to Council: Request for Senior Management Analyst to Support
PAB



PRESENTED TO THE COUNCIL ON:
June 3, 2024

To: Honorable Mayor and Members of the City Council

From: John “Chip” Moore, Chair of Police Accountability Board
Hansel A. Aguilar, Director of Police Accountability

Submitted by: Hansel A. Aguilar, Director of Police Accountability *HA*

Subject: Request for Additional FTE - PAB Analyst Position

INTRODUCTION

The purpose of this memorandum is to request a budget allocation for an additional Full-Time Equivalent (FTE) position, specifically a Police Accountability Board (PAB) Analyst, to support the expanding responsibilities of the PAB and the Office of the Director of Police Accountability (ODPA). This request is intended to accompany the ODPA’s FY2025-2026 budget proposal¹.

On May 22, 2024, the PAB unanimously voted to request that the Director of Police Accountability (DPA) forward the PAB’s recommendation to the City Council for the approval of an additional FTE². This new position is essential to enhance the operational capacity of the PAB, ensuring continued effectiveness and efficiency in our oversight functions.

CURRENT SITUATION AND ITS EFFECTS

In alignment with Berkeley City Charter Section 125(14)(b)³ and the strategic goals of the City of Berkeley, the ODPA has identified the need for an additional PAB Analyst. This role is designed to address the increasing workload and support the strategic initiatives

¹ May 8, 2024 ODPA FY 2025 and 2026 Proposed Budget: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2024-05-09_Item_1b_ODPA_FY25-26_Budget_Presentation.pdf

² May 22, 2024 PAB Regular Meeting Recording: <https://youtu.be/ygMB1ar95aQ?si=Cd4Awb02jVgAaLBI>

³ Berkeley City Charter Section 125(14)(b): [https://berkeley.municipal.codes/Charter/125\(4\)\(b\)](https://berkeley.municipal.codes/Charter/125(4)(b))

aimed at improving police oversight, fostering community trust, and ensuring accountability and transparency within the Berkeley Police Department (BPD).

JUSTIFICATION FOR ADDITIONAL FTE

The new FTE will directly report to and be supervised by the DPA. Collaborating with the PAB, the DPA will develop a comprehensive duty statement tailored to the Board's needs and establish a suitable work plan for the analyst. The additional FTE will assist the PAB in the following areas:

1. **Enhanced Data Analysis and Reporting:** The PAB Analyst will be responsible for identifying and analyzing relevant data, providing insights that inform policy recommendations, and monitoring the progress of key BPD initiatives. This will enhance the PAB's ability to make data-driven decisions and effectively oversee police practices.
2. **Support for Subcommittees and Reporting:** The PAB Analyst will write initial drafts of subcommittee and PAB reports and memoranda, reducing the burden on volunteer board members and ensuring timely and professional documentation of oversight activities.
3. **Stakeholder Engagement:** In concert with ODPA staff, the PAB Analyst will assist on institutional stakeholder engagement, facilitating better communication and coordination with various entities, including community organizations and other city departments for PAB related activities. This role will be pivotal in gathering and incorporating feedback from diverse community groups.
4. **Systemized and Standardized Methods:** By developing and implementing standardized methods for research, data collection, and report writing, the PAB Analyst will ensure consistent and high-quality outputs that support the long-term viability and effectiveness of both the PAB and ODPA.

The addition of this role will strategically enhance the current structure of the PAB and ODPA, aimed at augmenting the work of the ODPA without conflicting with existing staff roles. This position will provide crucial support to the PAB, ensuring that we continue to effectively fulfill our mandate and uphold the principles of transparency, accountability, and community trust.

FISCAL IMPLICATIONS

The addition of this FTE will have specific budget implications beyond those detailed in the FY 2025-2026 budget proposal. The proposed analyst's salary under the Senior Management Analyst classification⁴ is currently \$111,895.68 to \$135,289.84 annually. The

⁴ Berkeley Senior Management Analyst Job Classification:

<https://www.governmentjobs.com/careers/berkeley/classspecs/105341?keywords=senior%20management%20analyst&pagetype=classSpecifications>

Request for Additional FTE - PAB Analyst

benefits for this position are estimated to add an additional \$82,173.09 to \$99,321.53, bringing the total annual cost to a range of \$194,068.77 to \$234,611.37.

The investment in this role is anticipated to yield significant improvements in operational efficiency and effectiveness, aligning with the city's strategic goals and enhancing the overall oversight function.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

CONTACT PERSON

Hansel Aguilar, Director of Police Accountability, (510) 981 - 4960
John "Chip" Moore, Chair of Police Accountability Board

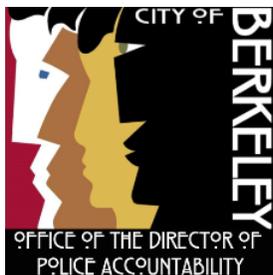
ATTACHMENT

[Recommendation] Request for Additional FTE - PAB-Focused Analyst (May 20, 2024)

cc: Police Accountability Board
Dee Williams-Ridley, City Manager
Farimah Brown, City Attorney
LaTanya Bellow, Deputy City Manager
Anne Cardwell, Deputy City Manager
Jennifer Louis, Chief of Police
Mark Numainville, City Clerk

Item 10.b.

ODPA Memo Titled "Review of the ODPA-PAB Budget and Outlook on Future Fiscal Needs"



MEMORANDUM

Date: June 6, 2025
 To: Honorable Members of the Police Accountability Board (PAB)
 From: Hansel Alejandro Aguilar, Director of Police Accountability (DPA) *HAA*
 Subject: Review of the ODPa-PAB Budget and Outlook on Future Fiscal Needs

This memorandum provides an overview of the Office of the Director of Police Accountability (ODPA) and Police Accountability Board (PAB) budget for the current biennium, outlines future fiscal needs aligned with the implementation of Measure II,¹ and addresses recent developments related to potential citywide hiring constraints.

This memo supports the agenda item: "Discussion and Action on the ODPa-PAB Budget" and is structured to inform Board discussion and potential action related to:

- i. Review of the Current Budget & Future Budgetary Needs
- ii. Potential Impacts of a Hiring Freeze

Current Budget Overview²

The table below provides a historical summary of ODPa's total budget allocation:

Table 1. ODPa-PAB Budget Overview: FY 2022–FY 2026 – Total Allocations

Fiscal Year	Actual/Projected	Total Allocation
FY 2022	Actual	\$808,594

¹ City of Berkeley Measure II: <https://newspack-berkeleyside-cityside.s3.amazonaws.com/wp-content/uploads/2021/10/2020-Measure-II-Berkeley-police.pdf>

² Figures obtained for this section are derived from the City of Berkeley, California Adopted Budget for Fiscal Year 2025 & 2026: <https://berkeleyca.gov/sites/default/files/documents/FY-2025-2026-Proposed-Biennial-Budget.pdf>

NOTE: URL identifies the document as "Proposed Biennial Budget" the actual document in the url is of the "Adopted Budget".

<i>FY 2023</i>	Actual	\$909,307
<i>FY 2024</i>	Adopted	\$1,142,593
<i>FY 2024</i>	Estimated Actual	\$1,212,488
<i>FY 2025</i>	Adopted	\$1,484,847
<i>FY 2026</i>	Adopted	\$1,524,120

Source: City of Berkeley Adopted Budget FY 2025 - 2026 (Page 329)

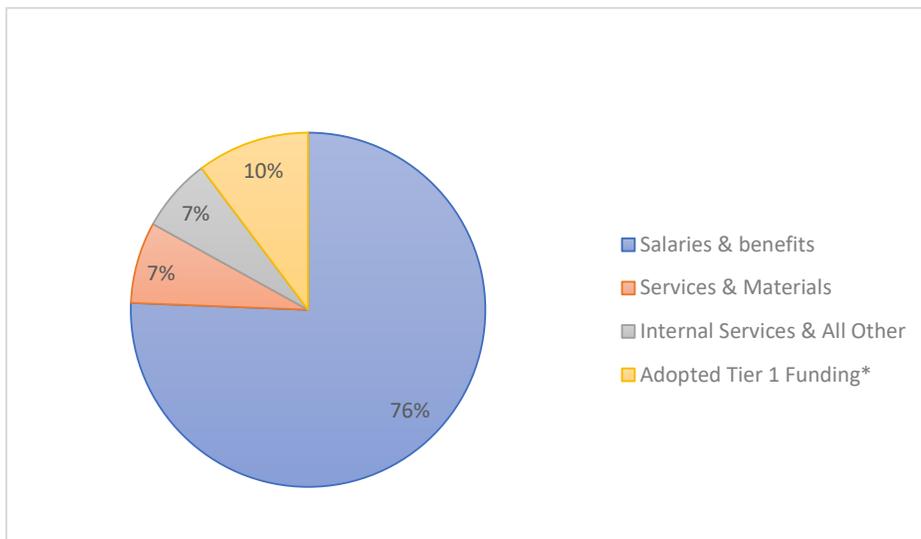
Additionally, the adopted FY 2026 budget includes the following line-item allocations:

Table 2. ODPa-PAB FY 2026 Adopted Budget by Category

<i>Category</i>	<i>Amount (\$)</i>
<i>Salaries & benefits</i>	1,284,306
<i>Services & Materials</i>	126,136
<i>Internal Services & All Other</i>	113,678
<i>Adopted Tier 1 Funding³</i>	174,297
Total	1,698,417

Source: Source: City of Berkeley Adopted Budget FY 2025 - 2026 (Page 329)

Figure 1. FY 2026 ODPa Budget Allocation



Source: 1 City of Berkeley Adopted Budget Fy 2025-2026 (Page 329)

³ Adopted Tier 1 funding primarily consists of the cost of leasing the ODPa’s current office space. In future fiscal years, lease costs will be accounted for under Services and Materials.

Approximately 90% of ODPa’s budget is dedicated to personnel and office lease costs. The chart above illustrates the proportional allocation for FY 2026.

The ODPa’s FY 2025-2026 baseline budget⁴ includes six full-time equivalents (FTE):

- 1 Director of Police Accountability
- 2 Police Accountability Investigators
- 3 Associate Management Analysts (Admin, Policy/Research, and Data/Research roles)

The budget supports basic operations for complaint intake, investigations, policy review, public meetings, reporting, and data management. However, as outlined in our May 21, 2025 Hiring Freeze Assessment Memo to City Council, this structure does not fully meet the staffing demands of a dual-agency model where the ODPa also supports the PAB’s administrative, policy, and public engagement obligations.

In FY 2024-2025, the Board submitted a budget request for an additional FTE—a Senior Management Analyst—to support the PAB’s workstreams. As referenced in the staff report dated May 28, 2024, this position would have reported to the Director of Police Accountability and been responsible for managing Board agendas, supporting subcommittee work, and facilitating public engagement. This request was not funded.

Future Budgetary Needs:

To advance the intent of Measure II and provide dedicated support to the Board, the following additions should be reconsidered in upcoming cycles:

- **Community Engagement Resources:** To operationalize stakeholder meetings and increase ODPa presence at community events. Previously the ODPa has requested (1 FTE) for this endeavor.
- **Senior Management Analyst for PAB Support (1 FTE):** To coordinate Board initiatives, stakeholder engagement, and policy analysis.
- **Digital Infrastructure and Communications Budget:** For outreach tools, public survey implementation, and records management.

⁴ ODPa Adopted Budget for FY 2025-2026: <https://berkeleyca.gov/sites/default/files/documents/FY-2025-2026-Proposed-Biennial-Budget.pdf#Page=325>

These investments would directly strengthen the City's oversight system by resolving capacity gaps that have been previously documented and discussed with City leadership.

Clarification on Citywide Hiring Freeze and Related Impacts

On May 21, 2025, ODPa submitted a memorandum to City Council analyzing the impact of a potential citywide hiring freeze. The memo detailed the operational challenges such a freeze would impose, especially in the event of staff attrition. Given the specialized nature of ODPa's work, any vacancy in its small team substantially delays investigations and limits our ability to support the PAB.

Since the submission of that memo, the Mayor's Office has clarified that there is no directive to impose a hiring freeze on Charter offices. Rather, the expectation is that Charter officers, including ODPa, evaluate where potential savings may be achieved while maintaining essential services.

Accordingly, ODPa will continue to assess internal workflows for efficiencies but remains concerned that prolonged vacancies—voluntary or otherwise—would materially reduce oversight capacity and limit our responsiveness to public complaints and policy review mandates.

Conclusion

The ODPa and PAB continue to operate within a lean framework that reflects both fiscal realities and the ongoing structural ambiguity of shared staffing responsibilities. For civilian oversight in Berkeley to thrive, the current resource structure must evolve to match the Charter's vision and the public's expectations.

Staff is available to respond to questions and incorporate Board direction on next steps.

Attachments

- 2025-05-21 ODPa to City Council Memorandum: Hiring Freeze Assessment
- 2024-05-28 Staff Report: Request for Senior Management Analyst to Support PAB
- FY 2025-2026 Proposed Biennial Budget (Excerpts Referencing ODPa)

2025-05-21 ODPa to City Council Memorandum: Hiring Freeze Assessment



MEMORANDUM

Date: May 21, 2025

To: Honorable Mayor Ishii and Members of the Council
Farmiah Brown, City Attorney
Paul Buddenhagen, City Manager
David White, Deputy City Manager
Joshua Cayetano, Police Accountability Board Chair

From: Hansel Aguilar, Director of Police Accountability (DPA) 

Subject: Legal, Structural, and Operational Implications of Extending a Hiring Freeze to the Office of the Director of Police Accountability (ODPA) and the Police Accountability Board (PAB)

I. Executive Summary

This memorandum outlines the legal, structural, and operational consequences of extending the City's hiring freeze to the Office of the Director of Police Accountability (ODPA), including its role supporting the Police Accountability Board (PAB). Given the Charter-mandated duties of the Director and the limitations imposed by both labor law and operational realities, applying a hiring freeze would impair the City's ability to meet its legal obligations under Measure II and the Berkeley City Charter.

II. Charter Duties and Compressed Timelines

The ODPA is legally bound by compressed and binding investigative timelines that are stricter than those established under state law. While Government Code § 3304(d) (POBR)¹ provides a one-year statute of limitations for the imposition of discipline, the Berkeley City Charter and the Memorandum of Understanding (MOU) with the Berkeley Police Association (BPA)² require that administrative investigations be completed on a much tighter schedule.

¹ Source: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=3304.

² Source:

<https://berkeleyca.gov/sites/default/files/documents/Memorandum%20of%20Understanding%20between%20City%20of%20Berkeley%20and%20Berkeley%20Police%20Association.pdf>

Under Charter Section 125(18)(e)³:

Investigation of all complaints filed with the Director of Police Accountability shall begin immediately and proceed as expeditiously as possible. The time limit for completion of an investigation shall be one hundred and twenty (120) days of the City's discovery by a person authorized to initiate an investigation of an alleged act, omission, or other misconduct, unless a Government Code section 3304(d) exception applies.

In addition, Charter Section 125(18)(d)⁴ provides that:

The time limit for investigations and notification of discipline shall be two hundred and forty (240) days from the date of the City's discovery by a person authorized to initiate an investigation of an alleged act, omission, or other misconduct, unless a Government Code section 3304(d) exception applies.

Together, these provisions create a tiered deadline structure:

- A 120-day limit for completing investigations, and
- A 240-day maximum limit for completing the full disciplinary process—including the investigation, presentation to the PAB, Chief's findings, and any City Manager appeal.

The MOU between the City and the Berkeley Police Association reflects the 240-day outer limit but does not replicate the 120-day investigative deadline. That narrower timeline originates solely from the Charter and carries binding legal weight.

Because both of the ODPa's two permanent Investigator positions are currently vacant, the office is operating with no full-time investigative staff, making it categorically impossible to meet the required investigative timeline. This incapacity creates urgent and compounding risks:

- The City may be barred from imposing discipline even in cases of confirmed misconduct if the 120-day investigative deadline is missed.
- Investigations may be dismissed or procedurally invalidated, exposing the City to grievances, legal liability, and public criticism.
- The failure to complete investigations within the Charter and MOU deadlines violates the procedural safeguards afforded to both complainants and subject officers.
- The office can no longer function as a parallel, independent mechanism alongside BPD's Internal Affairs Bureau, reversing the parity that City Council explicitly supported last fiscal year by funding these two Investigator positions.

This is not a matter of staffing preference—it is a matter of legal structure. A freeze that prohibits hiring into both vacant Investigator positions would result in structural noncompliance with Measure II, the Charter, and the collectively bargained MOU.

³ Source: [https://berkeley.municipal.codes/Charter/125\(18\)\(e\)](https://berkeley.municipal.codes/Charter/125(18)(e))

⁴ Source: [https://berkeley.municipal.codes/Charter/125\(18\)\(d\)](https://berkeley.municipal.codes/Charter/125(18)(d))

III. Human Resources Delays Beyond ODPa Control

In February 2025, the ODPa notified the Human Resources Department of the need to fill one of its vacant Investigator positions. HR subsequently determined that the eligibility list for the classification had expired. Per City policy⁵, no permanent selection could proceed until a new eligibility list was created—a process still underway at the time of this memo.

In April 2025, the ODPa submitted a second request to initiate the process for filling the other vacant Investigator position. Thus, within a two-month period, the office was actively seeking to fill both of its permanent investigative roles, and in both cases, was dependent on the HR process to move forward.

Given the urgency and Charter significance of the roles, the ODPa pursued multiple temporary pathways to ensure investigative work could continue. Specifically:

- In April 2025, the office engaged with AppleOne to temporarily fill the Investigator functions.
- One temporary contractor has been successfully onboarded and is actively working on case assignments.
- A second temporary contractor is currently undergoing screening, and selection is expected imminently.
- In parallel, ODPa worked with the Human Resources Department to post and finalize a temporary recruitment for an Investigator (NTE six months), payrollled directly through the City of Berkeley, while the permanent eligibility list is being redeveloped by HR.

While these efforts have enabled limited continuity of operations, they are stopgap measures. Temporary staffing cannot fully meet the volume, complexity, and consistency required under the Charter. The delays in permanent hiring, while not caused by ODPa, have already strained compliance with investigative mandates. A hiring freeze applied at this stage would compound these constraints and effectively penalize the office for systemic delays beyond its control.

IV. Labor Constraints and Classification Boundaries

⁵ CITY OF BERKELEY PERSONNEL RULES and REGULATIONS has the following provisions regarding eligibility lists:

7.01 ELIGIBLE LISTS

As soon as possible after the completion of an examination, the Director of Human Resources shall prepare and maintain an eligible list consisting of the names of candidates who qualified in the examination for a class in the career service.

7.02 EFFECTIVE DATES OF LISTS

Eligible lists shall become effective upon the announcement thereof by the Director of Human Resources.

7.03 DURATION OF ELIGIBLE LISTS

Eligible lists shall remain in effect for one year unless exhausted or abolished earlier or extended later than the one year period by the City Manager within his or her discretion.

Source: <https://berkeleyca.gov/sites/default/files/2022-02/PersonnelRulesAndRegulationsManual.pdf>

The ODPAs's remaining two permanent staff are non-exempt, union-represented employees covered under the SEIU Local 1021 Community Services & PTRLA MOU⁶. The redistribution of investigative duties to analysts is both infeasible—due to lack of cross-training—and potentially in violation of classification protections and MOU provisions.

Under Section 10.7 of the MOU, “*The Department Heads will work all employees within their career classification.*” While temporary assignments to higher classifications are permitted under specific criteria, such assignments must be made in writing, approved in advance by the City Manager if exceeding one week, and require the employee to meet all minimum qualifications of the higher classification and perform those duties in full. Moreover, these assignments must include a salary adjustment of at least 5% above the employee's base rate.

Further, if employees are deemed to be working out of classification without proper authorization, they may be entitled to back pay upon review through the desk audit process (MOU §10.11). Given these requirements and the specialized nature of investigative duties, there is no feasible path to legally or operationally reassign investigations to non-investigative classifications.

In addition, mandatory overtime may only be assigned at the discretion of the Department Head and must be compensated at one-and-a-half times the employee's regular rate under MOU §13.2.1. Even with this authority, extended overtime obligations may erode morale, retention, and productivity, and would not represent a sustainable or lawful staffing solution.

Without authority to redistribute work, reduce workload, or exceed classification boundaries, a hiring freeze would functionally mandate a workload freeze—something the City Charter does not permit.

In short:

- The ODPAs **cannot** redistribute investigative duties without violating classification protections;
- It **cannot** pause or suspend investigative work without violating Charter Section 125(18)(e) and (18)(d);
- It **cannot** impose extended overtime without risking legal exposure and operational breakdown.

This makes the hiring freeze not only impractical but incompatible with both the City Charter and the labor agreement governing ODPAs's current workforce.

V. Charter Structure and PAB Staffing Misalignment

Charter Section 125(4)(a) states:

⁶ Source:

Memorandum of Understanding: SEIU Local 1021 CSU/PTRLA
<https://berkeleyca.gov/sites/default/files/documents/2024-12-03%20Special%20Item%2001%20Memorandum%20of%20Understanding.pdf>

Notwithstanding Article VII of the Charter, and except as provided in section 14(b), 14(i) or 14(k), the Police Accountability Board, its staff and the Director of Police Accountability shall be independent of the City Manager.

This language references the PAB, its staff, and the Director as three distinct entities. The phrasing strongly suggests that the Charter contemplated the Board having its own staff, separate from the ODPa.

In practice, however, the ODPa has functioned as the de facto staff to the Board—preparing agendas, staffing public meetings, managing subcommittees, and ensuring compliance with public records, minutes, and noticing requirements. These duties are significant and recurring.

Per Charter Section 125(13)(a):

At the beginning of each calendar year, the Board shall establish a regular meeting schedule consisting of at least eighteen (18) meetings.

According to the 2025 Commissioners' & Board Members' Manual⁷, the number of meetings for other commissions is set by the City Council on a body-by-body basis. Most commissions operate under Council-imposed meeting limits⁸, while the PAB is legally required under the Charter to meet at least 18 times annually, making it one of the most active public bodies in the City.

This mandatory meeting frequency, along with standing and ad hoc subcommittee activity, requires sustained staff capacity and continuous logistical support. As a result, the ODPa's investigative and administrative resources are routinely divided between independent complaint investigations and administrative support for Board operations.

This dual-role structure—in which ODPa must serve both as the investigative agency and the administrative arm of the PAB—was not explicitly contemplated in the Charter and may be inconsistent with its structural intent, particularly given the legal mandates and compressed timelines imposed by Charter Section 125(18).

VI. Hiring Freeze Assessment and Alignment with City Manager Exemption Criteria

⁷ COMMISSIONERS' & BOARD MEMBERS' MANUAL 2025 Edition
BACKGROUND INFORMATION RULES AND PROCEDURES
AMENDED AND OFFICIALLY ADOPTED BY Resolution No. 71,677-N.S.
Source:

https://berkeleyca.gov/sites/default/files/documents/Commissioners%27%20%26%20Board%20Members%27%20Manual%202025%20Edition_WCAG.pdf

⁸ *Most commissions are limited to 10 meetings per year.* set by Resolution No. 68,258-N.S

Sources: *Ibid* pg. 52;

<https://records.cityofberkeley.info/PublicAccess/api/Document/AT6ySQUIRtznsXCF7O1j4WW5956w74PoUUdb3fxT5fq8wgVszZK3ziS77OFFVsTuyHahnROIW7QyKeC6htBUGw8%3D/>

The Citywide hiring freeze was first communicated directly to me by City Manager Paul Buddenhagen on April 17, 2025. Following this initial notification, the ODPA immediately began assessing the implications of a freeze on its Charter-mandated operations and staffing structure.

On April 18, 2025, upon review of the formal Hiring Freeze Guidelines issued by the City Manager's Office, the ODPA evaluated whether its vacant positions would qualify for exemption—should Council direct the office to adopt the framework or apply it more broadly across Charter offices.

The City Manager's guidelines state that to qualify for exemption, the request must demonstrate that the position fills essential functions. Factors may include:

1. The position is necessary to protect public health and safety
2. The position performs a mandated function or essential municipal service
3. The position is the only classification that performs a particular function and there is no other way to perform the function
4. The position generates revenue and has no negative financial impact
5. The position can be supported by an alternative funding source (i.e., grant)
6. Requirements within a Memorandum of Understanding

Based on this framework, the ODPA has concluded that each of the three current vacancies meet multiple exemption factors:

- Permanent Investigator Positions (2 Vacancies)

- These positions are the only classification in the office trained and qualified to conduct independent investigations into complaints against sworn personnel.
- They perform a mandated function under the Berkeley City Charter (Sections 125(18)(d) and (e)), which imposes strict investigative and disciplinary deadlines.
- Investigative responsibilities also fall under the City's Memorandum of Understanding with the Berkeley Police Association, which reinforces procedural timelines and disciplinary rights.
- No other staff in the office is classified, trained, or authorized to absorb these responsibilities.

- Administrative Analyst Position (1 Vacancy)

- This position supports essential municipal functions, including policy analysis, records coordination, budget tracking, and legislative support for the Police Accountability Board.
- The Board is required by Charter Section 125(13)(a) to meet at least 18 times per year, significantly more than most commissions whose meeting frequency is set and capped by Council.
- This classification is the only one within ODPA currently structured to perform these administrative functions. Its absence affects both core operations and Charter-mandated obligations.

- While the position has been temporarily supported by a contractor, and the office has initiated a not-to-exceed six-month recruitment for internal backfill, a permanent solution is essential to operational continuity.

Each of these positions is already authorized and budgeted, and no alternative staff can legally or operationally perform the associated functions. The risk of non-compliance with the Charter, collective bargaining obligations, or investigative timelines is both imminent and material.

Additionally, these positions clearly satisfy the exemption criterion related to public health and safety. The Charter's stated purpose for both the PAB and the ODPa confirms this link:

The purpose of the Police Accountability Board is to promote public trust through independent, objective, civilian oversight of the Berkeley Police Department, provide community participation in setting and reviewing Police Department policies, practices, and procedures, and to provide a means for prompt, impartial and fair investigation of complaints brought by members of the public against sworn employees of the Berkeley Police Department.

— Charter §125(1)

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.

— Charter §125(1)

These oversight functions are not purely administrative; they are a fundamental part of the City's public safety system. Independent investigations, community-based policy review, and transparent accountability mechanisms contribute directly to lawful, effective, and trusted policing. As such, the ODPa and PAB form an integral part of the City's public safety infrastructure, as defined by its own governing document.

Accordingly, the ODPa respectfully submits that, under the City Manager's framework, all three positions meet the exemption criteria—including those tied to essential municipal functions, labor agreements, singular classification responsibilities, and public safety imperatives.

VII. Recommendation

Based on the foregoing assessment, the Office of the Director of Police Accountability recommends that the office be fully exempted from the hiring freeze. The functions performed by the office are mandated by the City Charter, subject to strict investigative and disciplinary timelines, and integral to the City's public safety infrastructure. Applying a freeze to the ODPa would not only be operationally disruptive but may also constitute an impermissible constraint on a legally required municipal function.

As of the date of this memorandum, the office is actively managing at least 17 open personnel cases and conducting 13 policy reviews—each of which is tied to Charter-imposed duties and

public expectations of transparency, accountability, and timely resolution. Without sufficient investigative and analytical staffing, the office cannot sustain the current caseload or respond to future incidents and inquiries in a timely or legally compliant manner.

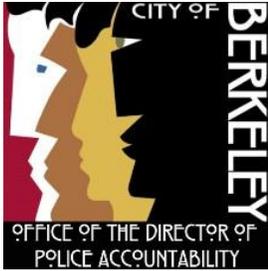
However, should the Council determine that the hiring freeze framework should be formally adopted or extended to all Charter offices, the ODPA respectfully requests that the three current vacancies—two permanent Investigator positions and one permanent Administrative Analyst position—be approved as exempt under the City Manager’s April 18, 2025 hiring freeze exemption criteria. This would allow the office to continue its live recruitment efforts and finalize time-sensitive hiring actions necessary to fulfill its Charter mandates and ongoing operational responsibilities.

VIII. Conclusion

The ODPA and Police Accountability Board were created by Berkeley voters through Measure II to ensure transparent, independent, and timely oversight of law enforcement. As this memo has demonstrated, the inability to staff essential positions due to a hiring freeze would render the office unable to meet the legal obligations established by the Charter and reinforced through collective bargaining agreements.

A hiring freeze, without exemptions for the ODPA’s critical roles, would jeopardize compliance, delay investigations, compromise procedural protections for both community members and officers, and erode the public trust that this oversight system was designed to promote. The ODPA appreciates the Council’s attention to these issues and stands ready to support any further discussion or clarification regarding the essential nature of its work.

2024-05-28 Staff Report: Request for Senior Management Analyst to Support PAB



PRESENTED TO THE COUNCIL ON:
June 3, 2024

To: Honorable Mayor and Members of the City Council

From: John “Chip” Moore, Chair of Police Accountability Board
Hansel A. Aguilar, Director of Police Accountability

Submitted by: Hansel A. Aguilar, Director of Police Accountability *HA*

Subject: Request for Additional FTE - PAB Analyst Position

INTRODUCTION

The purpose of this memorandum is to request a budget allocation for an additional Full-Time Equivalent (FTE) position, specifically a Police Accountability Board (PAB) Analyst, to support the expanding responsibilities of the PAB and the Office of the Director of Police Accountability (ODPA). This request is intended to accompany the ODPA’s FY2025-2026 budget proposal¹.

On May 22, 2024, the PAB unanimously voted to request that the Director of Police Accountability (DPA) forward the PAB’s recommendation to the City Council for the approval of an additional FTE². This new position is essential to enhance the operational capacity of the PAB, ensuring continued effectiveness and efficiency in our oversight functions.

CURRENT SITUATION AND ITS EFFECTS

In alignment with Berkeley City Charter Section 125(14)(b)³ and the strategic goals of the City of Berkeley, the ODPA has identified the need for an additional PAB Analyst. This role is designed to address the increasing workload and support the strategic initiatives

¹ May 8, 2024 ODPA FY 2025 and 2026 Proposed Budget:

https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2024-05-09_Item_1b_ODPA_FY25-26_Budget_Presentation.pdf

² May 22, 2024 PAB Regular Meeting Recording: <https://youtu.be/ygMB1ar95aQ?si=Cd4Awb02jVgAaLBI>

³ Berkeley City Charter Section 125(14)(b): [https://berkeley.municipal.codes/Charter/125\(4\)\(b\)](https://berkeley.municipal.codes/Charter/125(4)(b))

aimed at improving police oversight, fostering community trust, and ensuring accountability and transparency within the Berkeley Police Department (BPD).

JUSTIFICATION FOR ADDITIONAL FTE

The new FTE will directly report to and be supervised by the DPA. Collaborating with the PAB, the DPA will develop a comprehensive duty statement tailored to the Board's needs and establish a suitable work plan for the analyst. The additional FTE will assist the PAB in the following areas:

1. **Enhanced Data Analysis and Reporting:** The PAB Analyst will be responsible for identifying and analyzing relevant data, providing insights that inform policy recommendations, and monitoring the progress of key BPD initiatives. This will enhance the PAB's ability to make data-driven decisions and effectively oversee police practices.
2. **Support for Subcommittees and Reporting:** The PAB Analyst will write initial drafts of subcommittee and PAB reports and memoranda, reducing the burden on volunteer board members and ensuring timely and professional documentation of oversight activities.
3. **Stakeholder Engagement:** In concert with ODPA staff, the PAB Analyst will assist on institutional stakeholder engagement, facilitating better communication and coordination with various entities, including community organizations and other city departments for PAB related activities. This role will be pivotal in gathering and incorporating feedback from diverse community groups.
4. **Systemized and Standardized Methods:** By developing and implementing standardized methods for research, data collection, and report writing, the PAB Analyst will ensure consistent and high-quality outputs that support the long-term viability and effectiveness of both the PAB and ODPA.

The addition of this role will strategically enhance the current structure of the PAB and ODPA, aimed at augmenting the work of the ODPA without conflicting with existing staff roles. This position will provide crucial support to the PAB, ensuring that we continue to effectively fulfill our mandate and uphold the principles of transparency, accountability, and community trust.

FISCAL IMPLICATIONS

The addition of this FTE will have specific budget implications beyond those detailed in the FY 2025-2026 budget proposal. The proposed analyst's salary under the Senior Management Analyst classification⁴ is currently \$111,895.68 to \$135,289.84 annually. The

⁴ Berkeley Senior Management Analyst Job Classification:

<https://www.governmentjobs.com/careers/berkeley/classspecs/105341?keywords=senior%20management%20analyst&pagetype=classSpecifications>

Request for Additional FTE - PAB Analyst

benefits for this position are estimated to add an additional \$82,173.09 to \$99,321.53, bringing the total annual cost to a range of \$194,068.77 to \$234,611.37.

The investment in this role is anticipated to yield significant improvements in operational efficiency and effectiveness, aligning with the city's strategic goals and enhancing the overall oversight function.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

CONTACT PERSON

Hansel Aguilar, Director of Police Accountability, (510) 981 - 4960
John "Chip" Moore, Chair of Police Accountability Board

ATTACHMENT

[Recommendation] Request for Additional FTE - PAB-Focused Analyst (May 20, 2024)

cc: Police Accountability Board
Dee Williams-Ridley, City Manager
Farimah Brown, City Attorney
LaTanya Bellow, Deputy City Manager
Anne Cardwell, Deputy City Manager
Jennifer Louis, Chief of Police
Mark Numainville, City Clerk

FY 2025-2026 Proposed Biennial Budget (Excerpts Referencing ODPa)

DEPARTMENT BUDGETS

Police Accountability Financial Summary

	FY 2022 Actual	FY 2023 Actual	FY 2024 Adopted	FY 2024 Est. Actual	FY 2025 Adopted	FY 2026 Adopted
EXPENDITURES						
By Type:						
Salaries & Benefits	652,028	555,947	926,442	692,125	1,245,033	1,284,306
Services & Materials	76,793	263,261	126,136	431,815	126,136	126,136
Internal Services & All Other	79,773	90,099	90,015	88,548	113,678	113,678
Adopted Tier 1 Funding *					171,022	174,297
	808,594	909,307	1,142,593	1,212,488	1,655,869	1,698,417
By Division:						
Undefined	808,594	909,307	1,142,593	1,212,488	1,484,847	1,524,120
Adopted Tier 1 Funding *					171,022	174,297
	808,594	909,307	1,142,593	1,212,488	1,655,869	1,698,417
By Fund:						
GF - Discretionary	808,594	909,307	1,142,593	1,212,488	1,484,847	1,524,120
Adopted Tier 1 Funding *					171,022	174,297
	808,594	909,307	1,142,593	1,212,488	1,655,869	1,698,417

* Includes approved department requests and Council budget referrals; see FY 2025-2026 Adopted Tier 1 Funding Matrix for details.

Police Accountability Financial Summary

All Funding Sources

Mission Statement

The mission of the 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.

Selected Service Objectives

- Oversees the day-to-day operations of the Board office and staff, and conducts performance evaluations and disciplinary actions for all subordinate employees within the Board.
- Engages with various stakeholders, such as employee organizations, civil rights and liberties groups, and communities of color, to gather feedback on the work of both the PAB and the ODP.
- Produces an annual public report, detailing the activities of the Board throughout the year.

Five Year History

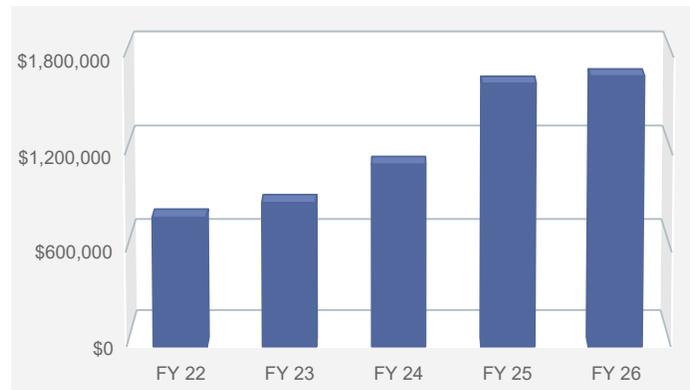
Expenditure Category	Audited Actual			Budget				
	FY 22	FY 23	Est. Actual FY 24	Adopted FY 24	Adopted FY 25	% Change From PY	Adopted FY 26	% Change From PY
Salaries & Benefits**	\$ 652,028	\$ 555,947	\$ 692,125	\$ 926,442	\$ 1,245,033	34.39%	\$ 1,284,306	3.15%
Services & Materials	76,793	263,261	431,815	126,136	126,136	0.00%	126,136	0.00%
Internal Services & All Other	79,773	90,099	88,548	90,015	113,678	26.29%	113,678	0.00%
Adopted Tier 1 Funding *					171,022		174,297	
Total Expenditures	\$ 808,594	\$ 909,307	\$ 1,212,488	\$ 1,142,593	\$ 1,655,869	44.92%	\$ 1,698,417	2.57%
Annual Percentage Change		12.46%	33.34%	25.66%	44.92%		2.57%	

** FY 2025 and FY 2026 Salaries and Benefits, the amounts include General Fund salary savings target.

* Includes approved department requests and Council budget referrals; see FY 2025-2026 Adopted Tier 1 Funding Matrix for details.

Five-Year Expenditures

Division: Undefined



Item 10.c.

ODPA Memo Titled "ODPA Annual Report Submission Timeline and Update"



MEMORANDUM

Date: June 6, 2025
To: Honorable Members of the Police Accountability Board (PAB)
From: Hansel A. Aguilar, Director of Police Accountability (DPA) *Ha*
Subject: ODPa Annual Report Submission Timeline and Update

Background:

Pursuant to Section 125 (16)(b)¹ of the City of Berkeley Charter, the Director of Police Accountability is required to submit an annual report to the Police Accountability Board (PAB) and the Berkeley City Council. This memorandum outlines the timeline and process for the development and review of the 2024 PAB-ODPA Annual Report and identifies upcoming key dates for its presentation, as required by the Charter.

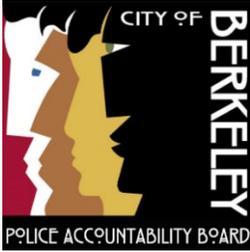
Timeline and Process Summary

Date	Milestone
April 30, 2025	Initial draft submitted to Metrics & Operations Subcommittee
May 20, 2025	PAB members provide written remarks on the Annual Report draft.
May 30, 2025	ODPA staff met with Vice Chair Wilson and BM Wells to discuss feedback on the Annual Report Draft.
June 25, 2025	Target date to submit revised draft to Metrics & Operations Subcommittee.
July 9, 2025	Planned presentation of revised report to the full Police Accountability Board
July 23, 2025	Planned presentation of final report to the City Council.

¹ Berkeley City Charter Section 125 (16): [https://berkeley.municipal.codes/Charter/125\(16\)](https://berkeley.municipal.codes/Charter/125(16))

Item 10.d.

Draft Letter to Council Titled "Supplemental Letter Regarding MOU
Submission and Recommended Revision to BMC 2.04.190"



Joshua Cayetano
 Chair of the Police Accountability Board
JCayetano@berkeleyca.gov

June 6, 2025

VIA ELECTRONIC MAIL [Email]

Honorable Mayor Ishii and Members of the City Council

Council@berkeleyca.gov
 2180 Milvia Street
 Berkeley, CA 94704

Re: Supplemental Letter Regarding MOU Submission and Recommended Revision to BMC 2.04.190

Dear Honorable Mayor Ishii and Members of the City Council:

On behalf of the Police Accountability Board (PAB), I would like to express our appreciation to the Berkeley Police Department (BPD) for its efforts to comply with the requirements of Berkeley Municipal Code (BMC) Section 2.04.150 by preparing the current list of Memoranda of Understanding (MOUs) for Council review.

We especially commend the Department for its decision not to submit informal “general understandings” as part of its compendium of agreements, thereby upholding the intent of BMC Section 2.04.170 to increase transparency and ensure meaningful Council oversight. Two months ago, the PAB flagged for BPD that the inclusion of “general understandings” within its compendium of agreements could lead to substantial confusion, considering that general understandings are not formal agreements, but rather informal articulations of BPD policy and practice. BPD agreed and now submits to the Council a revised compendium that only includes official MOUs.

Additionally, the PAB respectfully recommends that the Council consider revising the timeline currently prescribed under BMC Section 2.04.190(C), which renders all MOUs null and void one year after Council approval unless affirmatively renewed. While we recognize the importance of regular review, the one-year expiration rule creates a recurring and administratively burdensome cycle that may unintentionally discourage the development or maintenance of otherwise lawful and beneficial agreements. Moreover, lapses in timely review may lead to

unintended noncompliance or disrupt ongoing interagency coordination, especially in the context of specialized investigative or emergency response partnerships.

We propose that Council consider an amendment to BMC Section 2.04.190 to permit a multi-year review schedule (e.g., every three years), subject to earlier review at the discretion of Council or upon the recommendation of the City Manager, BPD, or the PAB. This would better align the review process with both operational realities and the evolving nature of law enforcement collaboration.

The PAB remains committed to partnering with BPD and the City Manager's Office to identify a legally sound and administratively sustainable framework. We welcome the opportunity to collaborate further and offer technical assistance in shaping language for Council consideration.

Thank you for your leadership and ongoing commitment to transparent governance and police accountability.

Sincerely,

Joshua Cayetano, Chair

Police Accountability Board

Cc: Paul Buddenhagen, City Manager
David White, Deputy City Manager
Jennifer Louis, Chief of Police
Jen Tate, Deputy Chief of Police
Farimah Brown, City Attorney
Mark Numainville, City Clerk
Hansel Aguilar, Director of Police Accountability

Item 10.e.

ODPA Memo Titled “Summary of the Proposal to Rescind the Controlled Equipment Ordinance and its Implications”



MEMORANDUM

Date: June 6, 2025
 To: Honorable Members of the Police Accountability Board
 From: Hansel Aguilar, Director of Police Accountability *HA*
 Subject: Summary of the Proposal to Rescind the Controlled Equipment Ordinance and its Implications

This memorandum provides an update on a recent legislative proposal to rescind the City of Berkeley's Police Equipment and Community Safety Ordinance (Berkeley Municipal Code Chapter 2.100)¹ and replace it with exclusive reliance on California Government Code § 7070 et seq.² (Assembly Bill 481). The item, introduced by Councilmember Humbert, has been referred to the City Council's Public Safety Committee for further study. This memo also offers a comparative summary of the local and state frameworks, highlights the key distinctions between the two, and outlines implications for the Police Accountability Board (PAB).

Background

The Controlled Equipment Ordinance³ was unanimously passed by the Berkeley City Council on April 27, 2021, following extensive community advocacy and policy development through the Police Review Commission. It was designed to promote transparency, equity, and civilian oversight in the acquisition and use of equipment

¹ Draft Item 47 "Rescission of the Police Equipment and Community Safety Ordinance":
<https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2025-06-02%20Agenda%20Packet%20-%20Agenda%20Committee.pdf#Page=547>

² Gov. Code § 7070 et seq.:
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=7070.&lawCode=GOV

³ Chapter 2.100 BMC, Police Equipment and Community Safety Ordinance:
<https://berkeley.municipal.codes/BMC/2.100>

considered militaristic in nature. Ordinance development was spurred by local concerns about the disproportionate impact of militarized policing on Black and Latino communities and the psychological effects of visible military-grade equipment in public spaces.⁴

In parallel, California Assembly Bill 481⁵ was signed into law on September 30, 2021. It establishes baseline requirements for all law enforcement agencies in the state regarding the funding, acquisition, and use of "military equipment."

Summary of Proposal and Legal Authority

The proposal seeks to rescind BMC Chapter 2.100 in favor of sole reliance on the state framework established by AB 481. The justification for rescinding the ordinance is administrative efficiency and the desire to consolidate duplicative reporting obligations. The City Council has referred the item to its Public Safety Committee for in-depth analysis and potential refinement.⁶ However, the proposal does not yet detail the specific mechanisms through which existing oversight, public engagement obligations, and timelines embedded in the local ordinance would be preserved or reconstituted.

The limited number of reports produced under Chapter 2.100—four since its adoption—raises questions as to whether sufficient longitudinal data exists to justify rescission. Neither the Charter nor the Berkeley Municipal Code specifies a minimum timeframe or evaluative threshold before an ordinance can be repealed. Nonetheless, from a policy perspective, repeal after only four years of implementation and limited community engagement on the impacts could undermine public trust and the goals of evidence-based governance.

⁴ Raguso, E. (2021, May 9). *Berkeley leaders demand more data about 'militaristic' police equipment*. Berkeleyside. <https://www.berkeleyside.org/2021/05/09/berkeley-police-militarized-equipment-special-response-team>; American Friends Service Committee. (2021, April 28). *Berkeley City Council passes groundbreaking police demilitarization ordinance*. <https://afsc.org/newsroom/berkeley-city-council-passes-groundbreaking-police-demilitarization-ordinance>

⁵ Assembly Bill 481 (2021): <https://legiscan.com/CA/text/AB481/id/2435304>

⁶ Berkeley City Council Agenda & Rules Committee Special Meeting Minutes for Monday, June 2, 2025: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/06-02%20Minutes%20-%20Agenda%20Committee.pdf>

Comparative Analysis: AB 481 vs. BMC 2.100

The table below summarizes the key differences between the two frameworks:

	CALIFORNIA AB 481 (GOV. CODE § 7070 ET SEQ.)	BERKELEY MUNICIPAL CODE CHAPTER 2.100
SCOPE	Applies to the use of "military equipment" across 15 specific categories. See Attachment 1. See Gov. Code § 7070(c).	Applies to the use or employment ⁷ of "controlled equipment," a broader and locally defined list. See Attachment 1. See BMC §2.100.020.
REPORTING DEADLINE	No fixed deadline; must submit annually to governing body. See Gov. Code § 7072.	Must submit by March 15 each year (unless otherwise specified). See BMC §2.100.050(A).
OVERSIGHT BODY	City Council (as governing body). See Gov. Code § 7071.	PAB reviews and makes recommendations. See BMC §2.100.040.
PUBLIC ENGAGEMENT	Must hold a standalone public meeting. See Gov. Code § 7072(b)(5).	Requires public access to reports and community engagement. See BMC §2.100.060.
CONTENT REQUIREMENTS	Usage data, costs, complaints, and policy compliance. See Gov. Code § 7072(a).	More detailed equipment descriptions, inventory by geography, and policy violations. See BMC §2.100.050.

Potential Implications of Rescinding the Ordinance

At this stage, the full impact of the rescission remains uncertain pending further analysis. However, some initial implications include:

1. Loss of Local Oversight Authority:

- Pursuant to BMC Chapter 2.100, the PAB is required to review and provide recommendations on Controlled Equipment Impact Statements and Use Policies prior to City Council consideration. This review authority is not maintained under AB 481, which places the responsibility for oversight solely with the City Council. While state law requires the Council to review the report directly, having the PAB conduct a preliminary review and offer recommendations enhances the efficiency of the Council's deliberative process and strengthens the City's overall oversight framework. Eliminating

⁷ BMC Section 2.100.020(D) defines "Deployed" as the use or employment of Controlled Equipment for a specific purpose in the presence of the public—whether in managing or controlling crowds, during any Special Response Team deployment, or in any other operation or critical response intended to elicit a reaction from the public.

the PAB's role may also reduce opportunities for meaningful community input.

2. **Reduced Public Engagement Guarantees:**

- While AB 481 mandates a public meeting, the robust community engagement expectations embedded in Berkeley's ordinance—including transparency mandates and whistleblower protections⁸—could be weakened if rescinded.

3. **Policy Development and Enforcement Gaps:**

- AB 481 does not require granular tracking by geographic area or as extensive reporting on potential policy violations. This limits the PAB's ability to assess and address concerns about racially disparate deployments as required under BMC 2.100.040(c).⁹
- A key aspect of the PAB's review under BMC 2.100.040(c) is the obligation to examine uses of controlled equipment and evaluate whether they remain consistent with existing BPD policies or indicate the need for policy updates.

4. **Strategic Consideration for Transition:**

- Should the Council ultimately move forward with consolidating oversight, it will be essential to establish mechanisms that preserve the PAB's formal advisory role in reviewing all future Military Equipment Use Policies and annual reports. As previously noted, a preliminary review and recommendation by the PAB enhances the efficiency of the Council's decision-making process and reinforces the City's broader oversight framework. Removing the PAB from this process could also limit opportunities for meaningful community engagement.

Next Steps

- The Public Safety Committee is expected to begin reviewing this item at an upcoming meeting.
- Staff will continue to monitor the Committee's discussions and provide technical analysis upon request.
- The PAB may wish to consider developing formal recommendations to the Council outlining necessary safeguards and minimum oversight standards to preserve local values.
- The Committee may also consider assigning a formal sub-review of this item to a working group composed of representatives from the Police Department (BPD), PAB, and the Office of the Director of Police Accountability (ODPA), with

⁸ BMC 2.100.060 – 2.100.080: <https://berkeley.municipal.codes/BMC/2.100.060>

⁹ BMC 2.100.040: <https://berkeley.municipal.codes/BMC/2.100.040>

coordination support from the City Manager’s Office. This working group could be tasked with:

- Conducting a side-by-side operational and policy review;
- Organizing at least two community listening sessions focused on the impacts and transparency expectations around military/controlled equipment use;
- Compiling a findings report and recommendations to be presented back to the Public Safety Committee within 90 days of initiation.

This approach would ensure both cross-agency collaboration and public input prior to any final Council action.

Recommendation:

The Controlled Equipment Ordinance¹⁰ was born out of community-led efforts to strengthen civilian oversight and ensure transparency around the use of militarized equipment. While statewide standards under AB 481 establish a foundation, they do not match the local ordinance in either breadth or depth of oversight. Any change to the ordinance should proceed only with full consideration of its potential impact on civilian oversight, public trust, and racial equity in policing.

Additional fiscal analysis is needed to evaluate the cost impacts of the repeal and administrative adjustments under AB 481; staff will provide a follow-up report with supplemental findings.

Attachment:

- 1) Comparison of Equipment Defined in AB 481 “Military Equipment” and BMC Section 2.100 “Controlled Equipment

¹⁰ Chapter 2.100 BMC, Police Equipment and Community Safety Ordinance:
<https://berkeley.municipal.codes/BMC/2.100>

Attachment 1

**Comparison of Equipment Defined in AB 481 “Military Equipment” and BMC
Section 2.100 “Controlled Equipment**

#	<i>Military Equipment</i>	<i>Controlled Equipment</i>	<i>Notes</i>
1	Unmanned, remotely piloted, powered aerial or ground vehicles	Aircraft, vessels, or vehicles of any kind, whether manned or unmanned, with attached or mounted weapons	Controlled list requires attached/mounted weapons ; Military list is broader
2	MRAPs or armored personnel carriers (police versions of standard vehicles excluded)	Vehicles built or modified to provide ballistic protection, such as MRAPs or armored personnel carriers (police passenger vehicles excluded)	Substantively the same
3	HMMWVs, 2½-ton or 5-ton trucks, or wheeled vehicles with breaching/entry apparatus (excludes unarmored ATVs and dirt bikes)	Multi-Purpose wheeled vehicles such as HMMWVs, 2½-ton or 5-ton trucks, or those with breaching/entry attachments (excludes unarmored ATVs and dirt bikes)	Nearly identical language
4	Tracked armored vehicles using a tracked system	Tracked vehicles with ballistic protection and tracked mobility	Functionally the same
5	Command and control vehicles built/modified for operational control	<i>(Not listed)</i>	Only in Military list
6	Weaponized aircraft, vessels, or vehicles	Aircraft, vessels, or vehicles with mounted weapons	Military list includes any kind of weaponization; Controlled requires mounted/attached weapons
7	Explosive battering rams, slugs, breaching apparatuses (excludes bolt cutters, 1-person handheld rams)	Breaching apparatuses, including mechanical, ballistic (slug), or explosive. Excludes bolt cutters, frangible rounds, handheld rams	Controlled list adds frangible rounds to the exclusion

8	Firearms of .50 caliber or greater (excludes standard shotguns)	Firearms of .50 caliber or greater	Controlled list omits explicit shotgun exclusion
9	Ammunition of .50 caliber or greater (excludes standard shotgun ammo)	Ammunition of .50 caliber or greater	Same as above
10	Specialized firearms and ammo < .50 cal, including assault weapons per Penal Code (exempts standard service weapons)	Specialized firearms (e.g., Colt M4) and ammo < .50 cal, per Penal Code	Controlled list names Colt M4 , omits exemption for standard service weapons
11	Firearms/accessories designed to launch explosive projectiles	<i>(Not listed)</i>	Only in Military list
12	Flashbangs, explosive breaching tools, tear gas, pepper balls (excludes handheld pepper spray)	Explosives, pyrotechnics (flashbangs), chemical weapons (teargas, CS gas, pepper spray, pepper balls)	Controlled list includes handheld pepper spray , Military list excludes it
13	Area denial electroshock, microwave weapons, water cannons, LRADs, sound cannons	Active area denial weapons (Taser Shockwave, microwave, water cannons, LRAD); LRAD exempt if used for lifesaving comms	Controlled list adds exemptions for LRAD use and names Taser Shockwave
14	40mm projectile launchers, bean bag, rubber bullets, SIM weapons	Projectile launchers (40mm, bean bag, rubber bullets, SIM), and chemical agent dispersal equipment	Controlled list adds chemical dispersal equipment
15	Any other equipment as determined by a governing body or state agency	Any other equipment as determined by majority of City Council	Similar in function; Military list allows state agency determination too
16	<i>(Not included)</i>	Knives designed to attach to firearms	Only in Controlled list
17	<i>(Not included)</i>	Batons ≥ 30 inches	Only in Controlled list

Off-Agenda Report 1
Legislative Updates Relevant to the PAB's Work



MEMORANDUM

Date: June 6, 2025
To: Honorable Members of the Police Accountability Board
From: Hansel Aguilar, Director of Police Accountability *[Signature]*
 Jose Murillo, ODPA Policy Analyst
Subject: Legislative Updates

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

State Legislative Updates¹

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

NAME OF LEGISLATION	STATUS	SUMMARY/PURPOSE
<u>SB 385 “Peace Officers”</u>	<i>(Engrossed) 2025-05-29 - In Assembly. Read first time. Held at Desk.</i>	This bill, SB 385, requires peace officers hired on or after January 1, 2029, to obtain a modern policing degree or a bachelor's or advanced degree from an accredited institution within 36 months of employment. It builds on existing certification and education requirements and takes effect immediately as an urgency statute.
<u>AB1178 “Peace Officers: Confidentiality of Records”</u>	<i>(Engrossed) 2025-05-21 - Referred to Coms. on PUB. S. and APPR.</i>	This bill expands redaction requirements under the California Public Records Act, requiring law enforcement agencies to remove identifying details of undercover

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

Public

		officers, task force members, and those with verified death threats. It imposes a state-mandated local program and includes legislative findings justifying access limitations.
<u>SB707 “Open Meetings: Meeting and teleconference requirements”</u>	<i>(Engrossed) 2025-06-04 - In Assembly. Read first time. Held at Desk.</i>	SB 707 expands public meeting access by requiring remote participation, interpretation services, and multilingual agendas for local government bodies until 2030. It revises teleconferencing rules and extends provisions for emergencies and just cause absences.

Additional legislation pertaining to public safety in the state of California may be monitored here: <https://legiscan.com/CA/legislation> .

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

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

Lexipol Policy Updates

No changes have been made to BPD policies since the PAB's last meeting on May 21, 2025.

City of Berkeley Council Meeting Updates

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

June 17, 2025 – Regular Meeting of the City Council

No items relevant to the PAB.

June 9, 2025 – Regular Meeting of the Agenda and Rules Committee

No items relevant to the PAB.

June 12, 2025 – Special Meeting of the Budget and Finance Committee

ITEM	DESCRIPTION	RECOMMENDATION
3	Fiscal Year 2026 Mid-Biennial Budget Update	Receive a presentation on the preliminary FY 2026 Mid-Biennial Budget Update, including proposed balancing strategies, and provide recommendations.

Off-Agenda Report 2
Policy Review Status Updates

Updated June 5, 2025



POLICY REVIEW STATUS REPORT

Guiding Authority

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

Case Load Overview

As of June 6, 2025, the Police Accountability Board (PAB) has 13 open policy reviews. There has been no new policy review submitted to the PAB since the last meeting on May 21, 2025.

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

Policy Review Number	2487
Policy Topic	Involuntary Injections/Medical Care
Relevant Policy	BPD 431 "Medical Aid and Response"
Status	Records Obtained; Review in Progress
Date Presented to the PAB	1/12/2022
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA
Summary	
A personnel complaint alleging improper force by officers, resulting in minor injuries, led to a policy review initiated by the PAB at ODPa's request. Despite the personnel complaint being closed due to the complainant's non-cooperation, the review proceeded after body-worn camera footage suggested an officer directed paramedics to inject a substance into the complainant.	

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

Updated June 5, 2025

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

Policy Review Number	2488
Policy Topic	Standards of Use of Force During an Arrest
Relevant Policy	BPD Policy 300 "Use of Force"
Status	Records Obtained; Review in Progress
Date Presented to the PAB	1/31/2024
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA

Summary

The policy review began from a complaint alleging excessive force by BPD during an arrest, which was paused for a criminal matter. After the complainant's release on April 15, 2022, the investigation resumed, leading to the complaint being closed and a policy review initiated to further verify and specify the use of force incident.

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

Policy Review Number	17
Policy Topic	Use of Force During a Mental Health Response
Relevant Policy	BPD Policy 300 "Use of Force" BPD Policy 409 "Crisis Intervention"
Status	Records Obtained; Review in Progress
Date Presented to the PAB	7/27/2022
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA

Summary

The policy review began from a self-initiated complaint about an individual's death at Alta Bates Summit Medical Center, alleging improper use of force or handcuffs by BPD. The complaint was closed administratively, and while the ODPA has not verified the allegations, Berkeleyside reported that BPD stated the DA's office found no force was used and did not classify it as an in-custody death.

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

Updated June 5, 2025

Policy Review Number	2023-PR-0006
Policy Topic	Parking Enforcement Practices
Relevant Policy	BPD Policy 500 "Traffic Function and Responsibility" BPD Policy 502 "Vehicle Towing and Release" BPD Policy 507 "72-Hour Parking Violations"
Status	Review In Progress
Date Presented to the PAB	10/11/2023
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB – Assigned to Board Member Moore
Summary	
The complainant raised concerns about the Berkeley Police Department's inconsistent parking enforcement, specifically the failure to ticket out-of-state vehicles for violations. They allege that officers dismiss issuing citations for such vehicles due to difficulty in collecting fines, particularly during the UC Berkeley academic year, causing neighborhood inconveniences.	
Activity Report	
Evaluating for potential referrals to subcommittee or PAB members.	

Policy Review Number	2023-PR-0007 ²
Policy Topic	Restraining Orders & Interactions with the Elderly
Relevant Policy	BPD Policy 313 "Senior and Disability Victimization" BPD Policy 430 "Civil Disputes"
Status	Review In Progress; Records Obtained
Date Presented to the PAB	7/24/2024
Anticipated Completion	March 5, 2025
Assigned To	ODPA
Summary	
The complainant reports ongoing disturbances, harassment, and restraining order violations by a neighbor's caretaker, raising concerns about enforcement by the Berkeley Police Department. This policy review will examine BPD's handling of interactions with elder adults and its practices regarding restraining orders, as the complainant indicates possible misunderstandings of order terms. Despite multiple encounters and existing orders, the complainant reports continued issues with enforcement.	
Activity Report	

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

Updated June 5, 2025

The ODPa held a focus group at the North Berkeley Senior Center on February 7, 2025. The information collected is currently being reviewed for potential inclusion in the final report. In addition, ODPa staff is examining historical complaint data for cases with similarities to the incident that prompted this policy review, in order to identify any practices or patterns that may be addressed in the report. Additional request for records to further inform this review are anticipated.

Policy Review Number	2023-PR-0008
Policy Topic	Off-Duty Conduct
Relevant Policy	BPD Policy 321 "Standard of Conduct" BPD Policy 401 "Fair and Impartial Policing" BPD Policy 344 "Off-Duty Law Enforcement Actions"
Status	Review in Progress; Assigned to Policy Review Subcommittee
Date Presented to the PAB	10/11/2023
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB – Assigned to Policy Review Subcommittee
Summary	
The complainant expresses concerns about off-duty police officers exhibiting harmful behavior and recommends improving the Police Accountability Board's oversight of off-duty conduct, including anti-racist hiring practices, stronger discipline measures, and increased transparency on racial profiling. They highlighted relevant policies and noted that the PAB is considering a subcommittee dedicated to off-duty law enforcement actions.	
Activity Report	
Evaluating for potential referrals to subcommittee or PAB members.	

Policy Review Number	2023-PR-0009
Policy Topic	Use of Force – Handcuffing
Relevant Policy	BPD Policy 300 "Use of Force"
Status	Review in Progress
Date Presented to the PAB	1/5/2024
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA
Summary	

Updated June 5, 2025

This policy complaint concerns an incident on October 7, 2023, at University Avenue and California Street, where a BPD officer stopped, handcuffed, interrogated, and then released a cyclist.

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

Policy Review Number	2024-PR-0003
Policy Topic	Computer Voice Stress Analyzers (CVSA)
Relevant Policy	BPD Policy 807 "Computer Voice Stress Examinations"
Status	Review in Progress
Date Presented to the PAB	5/22/2024
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB

Summary

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

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

Policy Review Number	2024-PR-0004
Policy Topic	Artificial Intelligence (AI) Assisted Report Writing
Relevant Policy	BPD Policy 323 "Report Preparation"
Status	Open
Date Presented to the PAB	6/5/2024
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA

Summary

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

Activity Report

Evaluating for potential referrals to subcommittee or PAB members.

Policy Review Number	2024-PR-0005
Policy Topic	BPD Relationship with Downtown Berkeley Ambassadors
Relevant Policy	BPD Policy 300 "Use of Force"

Updated June 5, 2025

	BPD Policy 425 "Body Worn Cameras"
Status	Pending Acceptance
Date Presented to the PAB	10/30/2024
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA
Summary	
The complaint alleges BPD failed to report improper force, destroyed evidence, and allowed a citizen to use a chokehold, raising concerns about the practice of "deputizing citizens." The complainant requests an investigation, disciplinary action, policy review, public transparency, and restitution.	
Activity Report	
Evaluating for potential referrals to subcommittee or PAB members.	

Policy Review Number	2024-PR-0006
Policy Topic	BPD's Use of the Specialized Care Unit
Relevant Policy	BPD Policy 409 "Crisis Intervention" BPD Policy 410 "Mental Illness Commitments"
Status	Open
Date Presented to the PAB	11/13/2024
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	ODPA
Summary	
The complaint details an October 5, 2024, incident where a young woman in a mental health crisis was handcuffed after a domestic violence report. The complainant expressed concern over her distress and the absence of a mental health response, with officers allegedly stating they lacked time for such resources.	
Activity Report	
Evaluating for potential referrals to subcommittee or PAB members.	

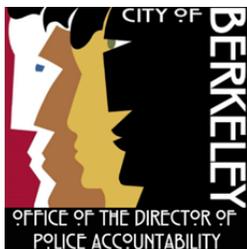
Policy Review Number	2024-PR-0008
Policy Topic	Records Retention
Relevant Policy	BPD Policy 804 "Record Maintenance and Release"
Status	Open
Date Presented to the PAB	1/8/2025
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.

Updated June 5, 2025

Assigned To	ODPA
Summary	
The ODPA received a complaint regarding BPD's inability to provide past officer rosters in response to a PRA request, as the records are no longer maintained. The complainant recommended that BPD adopt a policy to retain and provide such rosters upon request.	
Activity Report	
ODPA staff are currently reviewing relevant materials in preparation for a future presentation to the PAB.	

Policy Review Number	2025-PR-0001
Policy Topic	Contact Between Complaint Subject Officer and Complainant During Calls for Service
Relevant Policy	BPD Policy 1004 "Anti-Retaliation" BPD Policy 1010 "Personnel Complaints"
Status	Open
Date Presented to the PAB	02/19/2025
Anticipated Completion	The review is currently being evaluated to determine the appropriate next steps and timeline for completion.
Assigned To	PAB Member w/ Support of ODPA
Summary	
The Complainant reported two interactions with BPD in January 2025, involving officers who were either subjects of their prior complaints to the PAB or involved in other litigation. They expressed concerns about potential retaliation or bias, believing they should not interact with officers they had previously filed complaints against.	
Activity Report	
Board Member Calavita updated the PAB during its regular meeting on April 23, 2025. Policy Analyst Murillo and Board Member Calavita will collaborate to draft potential language and consult with BPD about feasibility and any potential concerns. ODPA staff drafted and forwarded that request on May 12, 2025 and are awaiting a response.	

Off-Agenda Report 3
List of Pending PAB Request



MEMORANDUM

Date: Friday, June 06, 2025
To: Honorable Members Police Accountability Board (PAB)
From: Hansel Aguilar, Director of Police Accountability (DPA) *[Signature]*
 Jose Murillo, ODPa Policy Analyst
 Syed Mehdi, ODPa Data Analyst
Subject: Summary of PAB Requests (October 2024 - April 2025)

This memorandum provides a summary of requests made by the Police Accountability Board (PAB) during thirteen meetings held between October 9, 2024, and May 21, 2025. Of these 34 requests, 17 have been completed, 15 remain open, and 2 were closed. The distribution of requests by stakeholder is as follows: 22 requests were directed to the Office of the Director of Police Accountability (ODPA), 11 to the Berkeley Police Department (BPD), 1 to the City Attorney’s Office, 1 to the Mayor’s Office and 1 to the City Clerk’s Office. This consolidated log supports clearer tracking, coordination, and follow-up by all relevant parties.

Legend

Completed	Request has been fulfilled and requires no further action.
Open	Request is still in progress or pending follow up/action
Closed	Request was withdrawn or is no longer being pursued.

PAB Requests (Oct 2024 - April 2025)

Number	Meeting Date/Link	Request to	Request (Time Stamp)	Status/Note
1	10/9/2024 PAB Regular Meeting Recording: https://youtu.be/rogRpVzB1ec?s_i=kSEcDMNpQ0MI19I2	ODPA/ BPD	PAB requested that the ODPA issue subpoenas for records related to Policy Review PRC 2487, PRC 2488, ODPA 17, and ODPA 19 pursuant to a policy,	Completed – ODPA issued subpoenas to BPD on October 18 th , 2024. BPD responded pursuant to PAB’s subpoenas on October 31, 2024 [detailed in an email from Chief Louis to Director Aguilar.]

	<p>10/9/2024 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2024-10-09%20Regular%20Meeting%20Minutes_Final_DPA%20signed.pdf</p>		<p>practices, procedures review. (2:52:36 - 3:00:16)</p>	
2	<p>10/30/2024 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=xmZFclJYdk</p> <p>10/30/2024 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2024-10-30%20Regular%20Meeting%20Minutes_final%20-%20signed.pdf</p>	BPD	<p>The PAB Requested all CHP 187A Forms from 2013–2020 and 2024 for policy review of BPD Policy 307 – Vehicle Pursuits. (1:49:02 - 1:51:20)</p>	<p>Open - The request is still active. During the 12/11/24 PAB meeting, Chair Cayetano noted that BPD stated it would take approximately six months to provide the CHP 187A data, as the data is currently in raw form and requires time to process.</p> <p>12/11/2024 PAB Regular Meeting https://youtu.be/Nt_YPFOJ60Q?si=2QlcPzFP-mqApu9d (42:25-45:02)</p> <p>Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%2012-11-24%20PAB%20Regular%20Meeting%20Minutes.pdf</p>
3	<p>1/8/2025 Regular Meeting Recording:</p>	BPD	<p>The PAB requested that the BPD reissue all current Memoranda of Understanding</p>	<p>Complete –</p> <p>The BPD has provided the last completed compendium of MoUs (2018). The BPD has indicated that the 2018 is the latest update to the</p>

	<p>https://youtu.be/56WiTDQB_jo?si=Go90zuEmVgEhNRjH</p> <p>1/8/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%202025-01-08%20Regular%20MeetingMinutes.pdf</p>		<p>(MOUs) related to Section K.</p>	<p>collective agreements (and notes that some individual ones, like the UCPD have been updated since). There is active discussion about updating them:</p> <p>See ODPa April 4th, 2025 Memo: Item 9.b. ODPA Memorandum Titled “Status Update on PAB Inquiry Regarding Recent Versions of the Berkeley Police Department’s Memorandums of Understanding (MOU) and Mutual Aid Agreements (MAA)” https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-04-09%20PAB%20Regular%20Meeting%20Pkt_Finalv2.pdf#page=30</p>
4	<p>1/8/2025 Regular Meeting Recording: https://youtu.be/56WiTDQB_jo?si=Go90zuEmVgEhNRjH</p> <p>1/8/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%202025-01-08%20Regular%20MeetingMinutes.pdf</p>	ODPA	<p>The Board requests that an amendment to Section K be scheduled for discussion by the full Board, rather than being limited to subcommittee review. (1:49:34 - 1:51:58)</p>	<p>Completed – ODPa provided a memo detailed in the 01/22/25 PAB Meeting, highlighting the process for reviewing the BPD’s mutual aid agreement as stipulated in Section K.</p> <p>Memo Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-01-22%20PAB%20Regular%20Meeting%20Packet.pdf#page=32</p>

5	<p>1/8/2025 PAB Regular Meeting Recording: https://youtu.be/56WiTDQB_jo?si=Go90zuEmVqEhNRjH</p> <p>1/8/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%202025-01-08%20Regular%20MeetingMinutes.pdf</p>	ODPA	<p>The PAB requested that staff include in the recommendations section of policy reviews or in the bottom – include the number of policy reviews and the duration of their dependency (52:15 - 52:39)</p>	<p>Completed – The request was updated by the ODPa on its status sheet for the PAB as highlighted on the 2/05/25 Meeting agenda packet.</p> <p>Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-02-05%20PAB%20Regular%20Meeting%20Packet%20Amendment%200.pdf#page=71</p>
6	<p>1/8/2025 PAB Regular Meeting Recording: https://youtu.be/56WiTDQB_jo?si=Go90zuEmVqEhNRjH</p> <p>1/8/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%202025-01-08%20Regular%20MeetingMinutes.pdf</p>	ODPA/ BPD	<p>The PAB requested that staff collaborate with the Berkeley Police Department prior to establishing a public-facing webpage containing information on Restraining Orders and related resources. (1:20:33 - 1:21:30)</p>	<p>Open - This request is still active.</p>

7	<p>1/8/2025 PAB Regular Meeting Recording: https://youtu.be/56WiTDQB_jo?si=Go90zuEmVqEhNRiH</p> <p>1/8/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Final%202025-01-08%20Regular%20MeetingMinutes.pdf</p>	ODPA	<p>The PAB requested a document compiling all recommendations that have been made to the BPD. (48:02 - 49:00)</p>	Open - This request is still active.
8	<p>1/22/2025 PAB Regular Meeting Recording: https://youtu.be/wxhAU7qqI?si=TmlslGzQpHilQD_d</p> <p>1/22/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/FINAL%202025-01-22%20Regular%20Meeting%20Minutes.pdf</p>	ODPA	<p>The PAB requested that ODPAs add categories for blockers, aspirational goals, and assigned staff to the status update sheet to improve visibility and transparency. (45:54 - 47:50)</p>	<p>Completed - This request has been completed and updated on Status Report sheets as highlighted in the Policy Review Status Report for the 02/05 PAB Meeting:</p> <p>Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-02-05%20PAB%20Regular%20Meeting%20Packet%20Amendment%200.pdf#page=71</p>

9	<p>2/1/2025 PAB Special Meeting Recording: https://youtu.be/dlXq3dnH77w?si=DLau_Phk4WpmJsVW</p> <p>2/1/2025 PAB Special Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-01%20Special%20Meeting%20Minutes.pdf</p>	ODPA	<p>The PAB requested that staff track the number of outstanding requests to the City Attorney's Office and report back to the Board and/or include the information in the annual report. (1:52:46 – 1:53:25)</p>	Open - This request is still active.
10	<p>2/5/2025 PAB Regular Meeting Recording: https://youtu.be/ASMB3_LiNqQ?si=9U7v9LXxWnKSRn</p> <p>2/5/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-05-Regular%20Meeting%20Minutes_updated.pdf</p>	ODPA	<p>The PAB requested that staff provide a brief memo summarizing significant police-related laws enacted in 2024 that are relevant to the Board's work. (14:05 - 14:50)</p>	<p>Completed – The request was completed by ODPa and added as "Legislative Updates Relevant to the PAB's Work and was presented to the PAB during the 2/19/25 Board Meeting.</p> <p>Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-02-19%20PAB%20Regular%20Meeting%20Packet_Final.pdf#page=83</p>

11	<p>2/5/2025 PAB Regular Meeting Recording:</p> <p>https://youtu.be/ASMB3_LiNqQ?si=9U7v9LXxWnKSRn</p> <p>2/5/2025 PAB Regular Meeting Minutes:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-05-Regular%20Meeting%20Minutes_updated.pdf</p>	ODPA	<p>The PAB requested: (1) a one-page summary on how MOUs are developed and renewed; (2) a review of whether AI can help analyze MOUs; (3) prioritization of immigration-related MOUs and Berkeley's sanctuary status; and (4) copies of any Homeland Security MOUs on immigration. (1:28:50 - 1:30:30)</p>	<p>Completed – The request was completed by ODPa as detailed in the memo 10.a. on the 4/23/2025 Agenda Packet.</p> <p>Memo Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-04-17%20PAB%20Regular%20Meeting%20Packet.pdf#Page=20</p>
12	<p>2/19/2025 PAB Regular Meeting Recording:</p> <p>https://youtu.be/9jOYSyLtZc0?si=JtMEtoSvHbkYpDWL</p> <p>2/19/2025 PAB Regular Meeting Minutes:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-19%20Regular%20Meeting%20Minutes.v2.pdf</p>	ODPA	<p>The PAB requested that staff explore whether other agencies have comparable policies on conflicts of interest when officers are responding to calls made by a party who has filed a complaint against them. (1:11:30 - 1:12:08)</p>	<p>Open – In relation to 2025-PR-0001 This request is still active because the Board requested this as part of the policy review.</p>

13	<p>2/19/2025 PAB Regular Meeting Recording: https://youtu.be/9jOYSyLtZc0?si=JtMEtoSvHbkYpDWL</p> <p>2/19/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-19%20Regular%20Meeting%20Minutes.v2.pdf</p>	Mayor's Office	The PAB requested that staff coordinate with the Mayor's Office to obtain advance notice of meeting agendas. (43:20 - 44:30)	Open - This request is still active.
14	<p>2/19/2025 PAB Regular Meeting Recording: https://youtu.be/9jOYSyLtZc0?si=JtMEtoSvHbkYpDWL</p> <p>2/19/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-19%20Regular%20Meeting%20Minutes.v2.pdf</p>	ODPA	The PAB requested that the three-minute time frame for public comment be consistently upheld. (1:51:20 - 1:51:56)	Completed- The request was upheld in all meetings after the initial request.

15	<p>2/19/2025 PAB Regular Meeting Recording: https://youtu.be/9jOYSyLtZc0?si=JtMEtoSvHbkYpDWL</p> <p>2/19/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-02-19%20Regular%20Meeting%20Minutes.v2.pdf</p>	ODPA	<p>The PAB requested that a training compliance checklist be provided for current Board members. (1:41:01 - 1:45:44)</p>	<p>Completed – A memo highlighted from BM Cayetano includes all trainings mandating the training requirements for Board Members to ensure compliance.</p> <p>Memo Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-02-19%20PAB%20Regular%20Meeting%20Packet_Final.pdf#page=77</p>
16	<p>3/5/2025 PAB Regular Meeting Recording: https://youtu.be/X-c0A5Uc--0?si=JYVoTEGAN6i2C_2G</p> <p>3/5/2025 PAB Regular Meeting Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-03-05%20Regular%20Meeting%20Minutes.v2.pdf</p>	ODPA	<p>The PAB requested that staff compile a complete list of identified MOUs. (1:22:14 - 1:23:00)</p>	<p>Completed – Staff has compiled a list of identified MOUS.</p> <p>Link: https://acrobat.adobe.com/link/review?uri=urn%3Aaaid%3Aacds%3AUS%3A3a637aa7-7359-45a1-81ed-dee245c93f83&viewer%21megaVerb=group-discover</p>

18	<p>3/05/2025 PAB Regular Meeting Recording: https://youtu.be/X-c0A5Uc--0?si=MIsBZSeK eSARbQ U&t=1053</p> <p>3/05/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-03-05%20Regular%20Meeting%20Minutes.v2.pdf</p>	BPD	<p>The PAB requested that ODPa reach out to the BPD so that BPD may provide records regarding controlled equipment as per Ordinance NO. 7,760-N.S., the Police Equipment and Community Safety Ordinance. Section 2.100.050. (16:08-20:03)</p>	<p>Open – The ODPa submitted a records request to the BPD on March 7, 2025; as of May 2, 2025, the BPD has not yet provided the requested records.</p> <p>Records Requested:</p> <p>Regarding Incidents (BPD 2024 Equipment and Utilization List) #7, #20, #26, #29, #46:</p> <p>All police and investigative reports including but not limited to narratives, supplemental reports, arrest reports and CAD reports; BWC videos from all officers who were present; videos gathered by BPD or submitted to BPD; 911 calls or any calls for service; Dispatch communications with BPD.</p> <p>2024 Police Equipment and Community Safety Ordinance Annual Report Link:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-03-05%20PAB%20Regular%20Meeting%20Packet%20-%20Amended_Final.pdf#page=63</p>
19	<p>3/19/2025 PAB Regular Meeting Recording: https://youtu.be/0xT6Jf7nMes?si=CU_5HrZ7iKEK2K1E</p> <p>3/19/2025 PAB Regular Meeting Minutes:</p>	ODPA	<p>The PAB requested that staff draft a short memo regarding BPD's annuals report and the PAB's suggestions. (1:29:40 - 1:30:06)</p>	<p>Completed – The request was completed by ODPa detailing a memo on annual report recommendations presented during the 04/09/25 PAB Meeting.</p> <p>Memo Link: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-04-09%20PAB%20Regular%20Meeting%20Pkt_Finalv2.pdf#page=35</p>

	https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-03-19%20Regular%20Meeting%20Minutes.pdf			
20	<p>3/19/2025 PAB Regular Meeting Recording:</p> <p>https://youtu.be/0xT6Jf7nMes?si=CU_5HrZ7iKEK2K1E</p> <p>3/19/2025 PAB Regular Meeting Minutes:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2025-03-19%20Regular%20Meeting%20Minutes.pdf</p>	BPD	<p>The PAB noted that it was previously mentioned that BPD training videos available for viewing. The PAB requested access to those videos from Deputy Chief Tate. (20:08 - 20:37)</p>	<p>Completed - This request is being marked as completed as Lt. Montgomery indicated that the videos are on YouTube.</p> <p>Link: https://www.youtube.com/@CaliforniaPOST</p> <p>3/5/2025 PAB Regular Meeting (Initial Date of Request): https://www.youtube.com/watch?v=X-c0A5Uc--0&t=4971s</p>
21	<p>4/9/2025 PAB Regular Meeting Recording:</p> <p>https://youtu.be/HNdbV36FvB4?si=YBOS2cmP9auaS2Rq</p> <p>4/9/2025 PAB Regular</p>	ODPA	<p>The PAB requested that all Board requests be clearly reflected in the meeting minutes to ensure easier tracking and follow-up. (56:39 - 56:55)</p>	<p>Completed – ODPA drafted a memo with outstanding requests which will be presented by the ODPA during the 4/23 PAB meeting.</p>

	<p>Meeting Minutes:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-04-09%20Regular%20Meeting%20MinutesFinal.pdf</p>			
22	<p>4/9/2025 PAB Regular Meeting Recording:</p> <p>https://youtu.be/HNdbV36FvB4?si=YBOS2cmP9auaS2Rq</p> <p>4/9/2025 PAB Regular Meeting Minutes:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-04-09%20Regular%20Meeting%20MinutesFinal.pdf</p>	City Attorney's Office	The PAB requested that staff consult with the City Attorney to clarify a discrepancy regarding whether the municipal code requires annual renewal of MOUs. (56:18 - 56:40)	<p>Closed– This request has been closed out by Chair Cayetano.</p> <p>Municipal Code: Ch. 2.04 City Council Berkeley Municipal Code https://berkeley.municipal.codes/BMC/2.04_Art3</p>
23	4/9/2025 PAB Regular	ODPA; BPD	The PAB requested that the Chair, Police Chief, and Director of	Open- The request is still active.

	<p>Meeting Recording:</p> <p>https://youtu.be/HNdbV36FvB4?si=YBOS2cmP9auaS2Rg</p> <p>4/9/2025 PAB Regular Meeting Minutes:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-04-09%20Regular%20Meeting%20MinutesFinal.pdf</p>		<p>Police Accountability collaborate to consolidate all Fair and Impartial Policing (FIP) data into a single document. (1:08:55 - 1:10:15)</p>	<p>There are multiple steps to the request and as highlighted in section 10.d.ii of the 4/23/25 PAB Regular meeting agenda packet, a joint letter from Chair Cayetano and Chief Louis was sent to Berkeley City Council Public Safety Committee.</p> <p>Joint Letter Link:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-04-17%20PAB%20Regular%20Meeting%20Packet.pdf#page=73</p>
24	<p>4/23/2025 PAB Regular Meeting Recording:</p> <p>https://youtu.be/O6TwzGmHcb4?si=g3kcoWIKiXG2rRom</p> <p>4/23/2025 PAB Regular Meeting Draft Minutes:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Draft%20-%202025-04-23%20Regular</p>	ODPA	<p>The PAB Requested a follow-up memorandum to ODPa Policy Review Report No. 19 in which they present revisions to recommendation 1 of the report and address the questions of the Specialized Care Unit's potential involvement in this incident. (1:52:05-1:55:08)</p>	<p>Completed – This request is being presented to the PAB on 5/7/2025.</p>

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25	<p>4/23/2025 PAB Regular Meeting Recording: https://youtu.be/O6TwzGmHcb4?si=g3kcoWIKiXG2rRom</p> <p>4/23/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Draft%20-%202025-04-23%20Regular%20Meeting%20Minutes.pdf</p>	ODPA	<p>The PAB requested that the ODPa draft a letter on its behalf stating that, due to the absence of requested data, the PAB is unable to effectively review the BPD's 2024 Controlled Equipment Report. The letter should designate Chair Cayetano to approve the final version. (2:25:08-2:31:06)</p>	<p>Completed – The letter was drafted and provided to Chair Cayetano. Who reviewed the letter before submission.</p> <p>The letter can be found on the PAB's website: https://berkeleyca.gov/sites/default/files/documents/2025-05-01%20PAB%20Letter%20to%20Council-%20Impediments%20to%20PABs%20Review%20of%20the%202024%20Controlled%20Equipment%20Report.pdf</p>
26	<p>4/23/2025 PAB Regular Meeting Recording: https://youtu.be/O6TwzGmHcb4?si=g3kcoWIKiXG2rRom</p> <p>4/23/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Draft%20-%202025-</p>	City Council	<p>The PAB requests that the City Council support measures to ensure timely and complete cooperation with all lawful requests made by the Board in the course of its independent oversight responsibilities.</p>	<p>Completed - The PAB sent a letter to City Council titled "Impediments to PAB's Mandated Review of the 2024 Controlled Equipment Report." The letter cites active impediments in the PAB's ability to fulfil its oversight function as prescribed by BMC 2.100.050 (https://berkeley.municipal.codes/BMC/2.100.050) on May 1, 2025.</p> <p>Link to Letter: https://berkeleyca.gov/sites/default/files/documents/2025-05-01%20PAB%20Letter%20to%20Council-%20Impediments%20to%20PABs%20Review%20of%20the%202024%20Controlled%20Equipment%20Report.pdf</p>

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27	<p>4/23/2025 PAB Regular Meeting Recording: https://youtu.be/O6TwzGmHcb4?si=g3kcoWIKiXG2rRom</p> <p>4/23/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/Draft%20-%202025-04-23%20Regular%20Meeting%20Minutes.pdf</p>	City Council	The PAB requests that the City Council refrain from accepting the 2024 Controlled Equipment Report—or any future Controlled Equipment Reports submitted by the Berkeley Police Department—until the Department has complied with the review process mandated under the Police Equipment and Community Safety Ordinance.	<p>Open - The PAB sent a letter to City Council titled “Impediments to PAB’s Mandated Review of the 2024 Controlled Equipment Report.” The letter cites active impediments in the PAB’s ability to fulfil its oversight function as prescribed by BMC 2.100.050 (https://berkeley.municipal.codes/BMC/2.100.050) on May 1, 2025.</p> <p>Link to Letter: https://berkeleyca.gov/sites/default/files/documents/2025-05-01%20PAB%20Letter%20to%20Council-%20Impediments%20to%20PABs%20Review%20of%20the%202024%20Controlled%20Equipment%20Report.pdf</p>
28	<p>5/07/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=pL5VhNQDU60</p> <p>5/07/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-05-07%20PAB%20Regular%20Meeting%20Packet%20-%20SUPP%201.pdf#page=3</p>	City Clerk’s Office	The PAB requests the opportunity to provide input on the records retention schedule. The ODPa is asked to contact the City Clerk’s Office to determine the status, scope, and timeline of the project, including whether any consultants or departments will be involved, in order to identify opportunities for engagement	<p>Open – The Request is still active</p> <p>Link to Memorandum Titled “Records Retention Schedule of the BPD, PAB and ODPa”: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-05-07%20PAB%20Regular%20Meeting%20Packet%20-%20SUPP%201.pdf#page=3</p>

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29	<p>5/07/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=pL5VhNQDU60</p> <p>5/07/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-05-07%20Regular%20Meeting%20Minutes.v2.pdf</p>	ODPA	<p>The PAB requests that the ODPa bring an overview of the workload of the DPA office to understand.</p> <p>(40:29-40:47)</p>	Open – This Request is still active.
30	<p>5/07/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=pL5VhNQDU60</p> <p>5/07/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-05-07%20Regular</p>	ODPA	<p>The PAB requests that the ODPa ask the BPD to respond within 30 days to the drafted memorandum, which includes ODPa’s recommended revisions to Policies 341.9 and 900.11.2, and to present BPD’s response to the PAB thereafter</p> <p>(51:18-51:58)</p>	<p>Open – This request is still active.</p> <p>The memorandum titled Follow-Up Memorandum on ODPa Presentation of Police Review Report No.19: “Detention and Release of Inebriated Individuals” can be found here:</p> <p>https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-05-07%20PAB%20Regular%20Meeting%20Packet_Final.v3.pdf#page=18</p>

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31	<p>5/07/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=pL5VhNQDU60</p> <p>5/07/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-05-07%20Regular%20Meeting%20Minutes.v2.pdf</p>	ODPA	<p>The PAB requests that the ODPAs provide notice to the City Manager—by serving the City Clerk pursuant to Municipal Code Section 2.100.060—regarding the 2024 BPD Controlled Equipment Report, specifying identified violations and recommending that the Council not accept the report.</p> <p>(1:11:50-1:14:39)</p>	<p>Completed – The letter was sent to the City Manager per BMC 2.100.060.</p> <p>BMC 2.100.060: https://berkeley.municipal.codes/BMC/2.100.060</p>
32	<p>5/07/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=pL5VhNQDU60</p> <p>5/07/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT%202025-05-07%20Regular</p>	ODPA	<p>The PAB requests that language be adjusted to reflect the unrealistic nature of relying on pending agreements to ensure accountability, rather than conveying unwarranted optimism. Additionally, the letter should note that no Memoranda of Understanding (MOUs) related to BPD policies have been ratified by the City Council since 2018. Please include these points in the draft letter to Council.</p>	<p>Completed – The letter was sent out to Council.</p> <p>Link to Draft Letter (Urgent Request to Rescind Mutual Aid Agreement 3.1 with U.S. Citizenship and Immigration Services (UCSIS)): https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-05-07_PAB_Regular_Meeting_Packet_-_SUPP_1.pdf_-_page=15</p> <p>Link for Letter to Council and BPD: https://berkeleyca.gov/sites/default/files/documents/2025-05-09_PAB_Letter_to_Council_and_BPD_re_USCIS_Agreement_wAttachments.pdf</p>

	%20Meeting%20Minutes.v2.pdf		(1:22:30-1:23:00)	Link to Press Release: https://berkeleyca.gov/sites/default/files/documents/2025-05-09_Press_Release-Ltr_to_Council_re_USCIS_Final.pdf
33	<p>5/21/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=mFBeoH6IXWI</p> <p>5/21/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT_2025-05-21_Regular_Meeting_Minutes_Update_d.pdf</p>	ODPA	<p>The PAB requests that ODPa staff look into department retention schedules of nearby jurisdictions, what NACOLE recommendations constitute.</p> <p>(1:37:21-1:37:54)</p>	Open – This Request is still active.
34	<p>5/21/2025 PAB Regular Meeting Recording: https://www.youtube.com/watch?v=mFBeoH6IXWI</p> <p>5/21/2025 PAB Regular Meeting Draft Minutes: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/DRAFT</p>	ODPA, BPD	<p>The PAB requests that the ODPa issue a subpoena to the BPD for records relevant for review of the 2024 Controlled Equipment Report.</p> <p>(1:31:00-1:31:24)</p>	Open – The board voted 3-2 in favor of a subpoena Wednesday, but the board may have needed four affirmative votes for the vote to be binding based on city commission voting rules, according to the board's chair. The voting threshold was not made clear to the board members present at the time.

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