

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

PUBLIC MEETING MATERIAL



**POLICE ACCOUNTABILITY BOARD
SPECIAL MEETING AGENDA PACKET
Saturday, January 17, 2026
10:00 AM – 2:00 PM**

Board Members

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

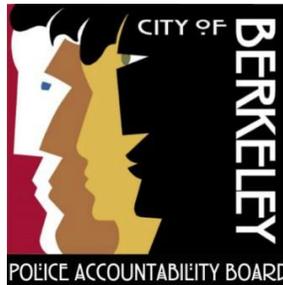
MEETING LOCATION

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

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Item 2

January 17, 2026 PAB Special Meeting Agenda



**POLICE ACCOUNTABILITY BOARD
SPECIAL MEETING AGENDA
SATURDAY, JANUARY 17, 2026
10:00 AM to 2:00 PM**

Board Members

Joshua Cayetano (Chair)	Leah Wilson (Vice-Chair)
Kitty Calavita	Juliet Leftwich
Randy Wells	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/82142293683>. 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 **821 4229 3683**. 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. APPROVAL OF AGENDA (2 MINUTES)

3. 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 item on the current special meeting agenda.

4. STRATEGIC PLANNING SESSION

The PAB will evaluate its 2025 accomplishments, challenges, and lessons learned to enhance performance in 2026. The session will prioritize planning mandated and discretionary activities, establishing goals, and defining strategies for the year ahead.

5. 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 item on the current special meeting agenda.

6. ADJOURNMENT (1 MINUTES)

Communications Disclaimer

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 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

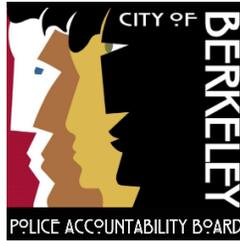
TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955

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

Email: dpa@berkeleyca.gov

Item 4

Strategic Planning Session Agenda



2026 PAB Strategic Planning Session
 January 17, 2026, 10:00 AM – 2:00 PM
 Office of the Director of Police Accountability
 1900 Addison Street, 3rd Floor
 Berkeley, CA 94704

10:00 am	WELCOME AND GOALS FOR THE DAY
10:15 am	YEAR IN REVIEW & LESSONS LEARNED <ul style="list-style-type: none"> • WHAT WERE OUR ACCOMPLISHMENTS/STRENGTHS IN 2025? • WHAT WERE OUR CHALLENGES? WHERE DID WE FALL SHORT? • REVIEW OF PERFORMANCE METRICS FOR 2025 • ANNUAL REPORT: PAB RECOMMENDATIONS
11:15 am	2026 ACTIVITIES PLAN – PART 1 <ul style="list-style-type: none"> • WHAT ARE OUR 2026 PERFORMANCE METRICS? • CHARTER REQUIREMENTS AND MANDATORY DUTIES • DIVISION OF LABOR BETWEEN PAB AND ODPA
12:15pm	BREAK
12:30 pm	2026 ACTIVITIES PLAN – PART 2 <ul style="list-style-type: none"> • UPCOMING ITEMS ON PAB AGENDA • PROPOSALS FOR FUTURE DISCRETIONARY ACTIVITIES • COMMUNITY ENGAGEMENT ASSESSMENT AND GOALS • INDIVIDUAL BOARD MEMBER’S GOALS
1:30 pm	STRATEGY AND NEXT STEPS <ul style="list-style-type: none"> • STRATEGY TO ACCOMPLISH 2026 GOALS • FOUR-YEAR GOALS • OTHER COMMENTS/IDEAS
2:00 pm	ADJOURNMENT

Item 4

ODPA Memo Titled "Record of PAB Metrics Discussion Following
February 1, 2025"



MEMORANDUM

Date: January 16, 2026
To: Honorable Members of the Police Accountability Board (PAB)
From: Hansel Aguilar, Director of Police Accountability (DPA) *HA*
Jose Murillo, ODPa Policy Analyst *JM*
Syed Mehdi, ODPa Data Analyst *SM*
Subject: Record of PAB Metrics Discussion Following February 1, 2025

This memorandum documents the PAB's discussion of Board metrics during the February 1, 2025, PAB Special Meeting, which served as a Strategic Planning Session.¹

During the Strategic Planning Session, the Board reviewed and discussed draft metrics as part of a broader retrospective and forward-looking planning exercise.² Following the meeting, ODPa prepared a recap memorandum, which was posted as part of the February 5, 2025, Regular PAB meeting materials.³ There was no formal action taken on the Draft metrics on or after the planning session.

At the time of the Strategic Planning Session, the 2025 PAB Workplan was in draft form and under development and was later revised and finalized, with many of the planning considerations reflected in the adopted Workplan.⁴

ODPa staff reviewed the February 1, 2025, meeting materials and transcript. Key discussion points and considerations raised by Board members are summarized in the corresponding table.⁵

¹ 2025-02-01 PAB Special Meeting Agenda Packet: https://berkeleyca.gov/sites/default/files/legislative-body/meeting-attachments/2025-02-01_PAB_Special_Meeting_Packet_Final.pdf

² See Attachment 1: Draft Metrics for the PAB Presented During 2025 PAB Strategic Planning Retreat

³ See Attachment 2: ODPa Memorandum Titled "2025 PAB Strategic Planning Recap"

⁴ See Attachment 3: 2025 PAB Workplan

⁵ 2025-02-01 PAB Special Meeting Video Recording: <https://www.youtube.com/watch?v=dIXg3dnH77w>

Topic	Summary of Discussion
Purpose of Metrics	The Board discussed metrics as a tool to explain the PAB’s work to City Council, the BPD, and the public , particularly through the Annual Report. Members emphasized that metrics should communicate both what the Board does and how much work is involved, not simply outcomes.
Process and Workload	Board Members raised concern that simple output metrics would understate the Board’s effort , especially for long-term policy work. Discussion emphasized capturing “sweat equity” through indicators such as meeting volume, agenda density, committee work, and extended review timelines.
Effectiveness Metrics	While adoption or agreement with recommendations was discussed as one possible effectiveness indicator, Board members repeatedly cautioned that percent adoption alone would be misleading . Members noted that partial acceptance, incremental policy movement, and narrowed disagreements still represent meaningful impact. There was concern that overly simplistic metrics could distort how the Board’s work is evaluated.
Personnel Complaint Metrics	The Board discussed timeliness and agreement rates in personnel complaint investigations, while recognizing that agreement with the Chief or City Manager should not be treated as the sole measure of effectiveness . Members noted that disagreement can reflect legitimate differences in interpretation rather than poor performance. Discussion also raised the idea of incorporating complainant experience or qualitative feedback.
Policy Complaint Review Timelines	Board members noted the absence of defined timelines for policy complaint reviews and expressed concern that some reviews remain open for extended periods. Discussion focused on the need to distinguish between major and minor policy reviews , with the possibility of tiered or tracked timeframes rather than a single uniform deadline.
Community Engagement Metrics	Community engagement was discussed as a descriptive and contextual metric . Members noted that engagement often supports broader policy influence and should be reflected through activity-based indicators rather than outcome measures.

Attachments:

1. PAB Draft Metrics Presented During 2025 PAB Strategic Planning Session
2. ODPa Memo to PAB Recap of 2025 PAB Retreat
3. 2025 PAB Workplan

**Attachment 1: PAB Draft Metrics Presented During 2025 PAB
Strategic Planning Session**

DRAFT METRICS

Draft for Review & Input by Police Accountability Board at September 25, 2024 Board Meeting

NOTE: Look at NACOLE Metrics for other ideas?

Overall

- Frequency
- How compile & publish?

PAB Metrics

- Timely completion of all mandated non-complaint related responsibilities
 - Enumerate [see chart being developed per Ops and Process]
- Effectiveness of mandated non-complaint related responsibilities
 - How measured?
 - % of recommendations to City Council adopted/agreed to
- Timely completion of personnel complaint investigations
 - Per regs
- Effectiveness of personnel complaint investigations
 - How measured?
 - Include survey to complainant after process completed?
 - % agreement with Chief (on sustained PAB findings)
 - % agreement with City Manager (on sustained PAB findings)
- Timely completion of policy complaint reviews
 - Per standards tbd
- Effectiveness of policy complaint reviews
 - How measured?
- Timely completion of commendations
 - How many quarters did we deliver on-time?
 - How many issued per quarter?
- Community engagement/awareness
 - How assessed?
 - Meeting attendance (in-person & virtual)
 - # of community meetings & attendance
 - # of press releases (?)
 - # of social media (LinkedIn, X, Instagram, Facebook) followers?

Attachment 2: ODPa Memo to PAB Recap of 2025 PAB Retreat



MEMORANDUM

Date: February 4, 2025
To: Honorable Members of the Police Accountability Board (PAB)
From: Hansel Aguilar, Director of Police Accountability (DPA) *HA*
Jose Murillo, ODPA Policy Analyst *JM*
Subject: 2025 PAB Strategic Planning Recap

This memorandum aims to offer the PAB a summary of their strategic planning retreat held on February 1, 2025.

Summary

On February 1, 2025, the PAB convened a strategic planning session at the Office of the Director of Police Accountability (ODPA)¹. Chair Cayetano, Vice-Chair Wilson, Board Members Leftwich and Williams attended this special meeting. Director Aguilar and Policy Analyst Murillo represented the ODPA. During the retreat, the Board reviewed key strategic goals and priorities, including:

- Strengthening stakeholder engagement to achieve full PAB staffing and enhance community participation
- Overseeing the implementation of an effective Early Intervention System (EIS)
- Finalizing an updated operations manual that aligns with the PAB's operational needs
- Cataloging and prioritizing pending policy reviews before the PAB
- Strengthen the PAB's academic network to enhance research capabilities and overall work product.
- Finalize the review of the PAB's regulations for investigating personnel complaints.

¹ 2025 PAB Strategic Planning Session Recording: <https://youtu.be/dlXg3dnH77w>

There was a strong emphasis on achieving full PAB staffing, enhancing public participation, and assessing the workload to maximize effectiveness.

While the PAB did not take formal action at the retreat, they outlined the following next steps to begin working toward their goals (in no particular order):

1. Finalize the PAB's calendar of mandatory duties:
 - (a) Based on the Charter mandated timeframes
 - (b) Where not articulated in the Charter based on the 2025 Strategic Planning Session agreed upon timeframes
2. Finalize the policy review procedure to create a standardized process for the PAB
3. Organize and prioritize existing policy, practice, and procedure reviews:
 - (a) ODPA staff will complete preliminary reorganization recommendations
 - (b) ODPA staff to conduct landscape analysis for best practices regarding timeframes for review completion
 - (c) Request transition memorandum from former Chair Moore to assist in delegating work
 - (d) Tentatively schedule for the first regular meeting in March
4. Evaluate and consolidate existing subcommittees, keeping only those most essential to the PAB's work in light of current PAB and ODPA staffing
5. Notify City Council about the PAB's vacancies to encourage nominations and appointments
 - (a) Review prior correspondences to Council regarding PAB vacancies
 - (b) ODPA staff to draft language regarding concerns about how vacancies can negatively impact personnel complaint procedures
6. Inform community stakeholders of the PAB's vacancies to encourage interest in joining
 - (a) ODPA to draft flyers, brochures, and other informational materials
 - (b) ODPA to expand list of community stakeholders
7. Continue to expand on the PAB and ODPA's social media presence

Based on the PAB's discussion and the resulting goals, the ODPA will support the PAB by updating its workplan and assisting in the implementation of these objectives.

Attachment 3: 2025 PAB Workplan



2025

PAB WORKPLAN

Police Accountability Board

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Mission Statement

“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” (Berkeley City Charter Section 125(1)).

Guiding Authorities

The Police Accountability Board’s (PAB) work plan is guided by Berkeley City Charter Section 125¹, ordinances enacted by City Council², the City of Berkeley’s Commissioner’s Manual³, and the PAB’s adopted standing rules. These authorities define the PAB’s responsibilities, establish its procedural framework, and ensure alignment with city policies to promote effective civilian oversight of law enforcement.

Recurring Mandates

The Police Accountability Board has annual mandatory responsibilities outlined in the City Charter and the Berkeley Municipal Code.

Charter Powers and Duties

The mandatory provisions for the PAB in the City Charter deal with the composition and procedures of the PAB. Many of the provisions deal with the requirements of individual board members such as the training requirement or term limits. The active actions the PAB, as a whole, is required to take in the City Charter are:

- approve the annual report from the DPA as outlined in the Charter (Berkeley City Charter Section 125(16)(c));
- reviewing and making recommendations on newly adopted policies submitted by the Chief of Police (Berkeley City Charter Section 125(17)(a));

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

² Currently, Berkeley Municipal Code 2.99 and 2.100 assign the PAB with additional reviews not listed in the charter: <https://berkeley.municipal.codes/>

³ City of Berkeley’s Commissioner’s Manual: <https://berkeleyca.gov/sites/default/files/2022-03/Commissioners-Manual.pdf>

- adopt regulations for handling complaints filed with the DPA (Berkeley City Charter Section 125(18));
- consult with the City Manager for the hiring of a new Chief of Police during a vacancy (Berkeley City Charter Section 125(22));
- receiving information on any agreed contracts adopted by the City Council related to the PAB's work (Berkeley City Charter Section 125(25));
- creating a regular commendation program for sworn employees of the BPD (Berkeley City Charter Section 125(26)); and
- conducting a review of its internal processes every two years (Berkeley City Charter Section 125(28)).

The City Charter also puts mandatory limits of the PAB's power. The PAB is unable to limit the City Council, Chief of Police, or City Manager's authority derived from other provisions of the City Charter to act on policing matters. The PAB does not have the authority to supplant the authority of the City Manager or Chief of Police.

Requirements Under the Berkeley Municipal Code

According to Chapter 2.99 of the Berkeley Municipal Code, the PAB plays a role in reviewing the city's use of surveillance technology by:

- **Reviewing Surveillance Use Policy:** The City Manager must present a Surveillance Use Policy and report for each new surveillance technology to the PAB before it goes to the City Council for approval. ([Section 2.99.030\(2\)](#))
- **Providing Recommendations:** The PAB can then vote to recommend approval of the policy, object to it, suggest modifications, or take no action. However, their decision is not binding, and the City Council can still proceed with adopting the policy. ([Section 2.99.030\(2\)](#))

The Berkeley Municipal Code Chapter 2.100, titled "Police Equipment and Community Safety Ordinance," establishes the **PAB's** role in regulating the acquisition and use of "Controlled Equipment" by the police department. Here's how the PAB is involved:

- **Review and Recommendation:** Before the City Council approves the acquisition or use of any Controlled Equipment, the Police Department must submit a **Controlled Equipment Impact Report** and a **Controlled Equipment Use Policy** to the PAB for review and recommendation. ([Section 2.100.040\(A\)](#))
- **Specific Requirements:** The PAB is tasked with reviewing the proposed equipment and policy based on specific criteria, including:
 - Potential impact on the community, particularly on protected groups. ([Section 2.100.050\(A\)\(2\)\(a\)](#))
 - Whether alternative equipment or de-escalation tactics could achieve the same goal. ([Section 2.100.050\(A\)\(2\)\(b\)](#))
 - Consistency with the City's values and community policing principles. ([Section 2.100.050\(A\)\(2\)\(c\)](#))
- **Recommendation Outcome:** The PAB then issues a written recommendation to the City Council, which can be approval, disapproval, or suggestions for modification. However, the City Council has the final say on whether to approve the acquisition or use of the Controlled Equipment. ([Section 2.100.040\(A\)](#))

PAB Objectives for 2025

On February 1, 2025, the PAB held a strategic planning session at the Office of the Director of Police Accountability (ODPA). During the retreat, the Board reviewed its key strategic goals and priorities, identifying the following objectives for 2025:

<i>No.</i>	Objectives	Charter Section
1	Achieve full PAB staffing and enhance community participation through strengthened stakeholder engagement.	125(5)(a)
2	Oversee the effective implementation of the Early Intervention System (EIS).	125(17)(a)
3	Finalize an updated operations manual that aligns with the PAB's operational needs.	125(3)(a)(6)
4	Catalog and prioritize pending policy reviews before the PAB.	125(17)(a)
5	Expand the PAB's academic network to strengthen research capabilities and overall work product.	125(3)(a)(1)
6	Complete the review of the PAB's regulations for investigating personnel complaints.	125(18)(a)

REVISED PAB MEETING CALENDAR

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REVISED MAY 7, 2025.

Item 4

ODPA Memo Titled “Updated Review of Mandatory and Permissible Provisions in the City Charter, BPD Policies, and Standing Rules”

Mandatory and Permissible Provisions of ARTICLE XVIII. of the City of Berkeley Charter Police Accountability Board and Director of Police Accountability

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.

<https://berkeley.municipal.codes/Charter/ArtXVIII>

Mandatory Provisions are required action by the PAB or another entity, the ODP, City Manager/Council, or Chief of Police, and indicated by the use of “must” or “shall” in the legislation.

Permissible provisions are actions the PAB has the power to take but are not required to.

MANDATORY	PERMISSIBLE
 approve the annual report from the DPA 125(16)(c)	 To advise and make recommendations to the public, City Council, and City Manager regarding the operation of the Berkeley Police Department, including all written policies, practices, and procedures in relation to the Berkeley Police Department (3)(a)
 reviewing and making recommendations on newly adopted policies submitted by the Chief of Police 125(17)(a)	 Review and recommend for City Council approval all agreements, letters, memoranda of understanding, or policies which express terms and conditions of mutual aid, information sharing, cooperation and assistance between the Berkeley Police Department and all other local, state and federal law enforcement, intelligence, and military agencies or private security organizations; 125(3)(a)
 Adopt regulations for handling complaints filed with the DPA (18) Make a recommendation to the Chief of Police regarding the specific complaint 125(14)(h)	 To access records of City Departments, compel attendance of sworn employees of the Police Department, and exercise the power of subpoena as necessary to carry out its functions; 125(3)(a)
 Consult with the City Manager for the hiring of a new Chief of Police during a vacancy 125(22);	 Receiving information on any agreed contracts adopted by the City Council related to the PAB's work 125(25);
 Creating a regular commendation program for sworn employees of the BPD 125(26);	 To adopt rules and regulations necessary for the conduct of its business 125(3)(a)
 Provide community participation in setting and reviewing Police Department policies, practices, and procedures,. 125(1)	 Conducting a review of its internal processes every two years 125(28).
 Any other powers and duties as the City Council may assign it by Ordinance 125(3)(a)	





MEMORANDUM

Date: January 16, 2026
To: Honorable Members of the Police Accountability Board (PAB)
From: Hansel Aguilar, Director of Police Accountability (DPA) *HA*
Jose Murillo, ODPa Policy Analyst *JM*
Subject: Updated Review of Mandatory and Permissible Provisions in the City Charter, BPD Policies, and Standing Rules.

Introduction

Upon request of PAB, the Office of the Director of Police Accountability (ODPA) has created this memorandum to outline the explicit mandatory duties of the PAB and their permissible powers as per Article XVIII of the City Charter.¹ Mandatory PAB Provisions are required action by the PAB or another entity, such as the ODPA, City Manager, City Council, or Chief of Police, and indicated by the use of “must” or “shall” in the legislation. Permissible provisions are actions the PAB has the power to take but are not required to. Also included in this memorandum is a brief discussion of the powers granted to the PAB by Berkeley Police Department (BPD) Policies² and the Standing Rules³. A detailed examination of the *Interim Regulations*⁴ is outside the scope of this memorandum because it deals with specific procedural matters often taken by the ODPA.

Discussion

¹ Article XVIII Police Accountability Board and Director of Police Accountability.

<https://berkeley.municipal.codes/Charter/ArtXVIII>

² Berkeley Police Department Law Enforcement Services Manual.

https://berkeleyca.gov/sites/default/files/documents/RELEASE_20220921_T152222_Berkeley_PD_Policy_Manual.pdf

³ Standing Rules.

https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf

⁴ Interim Regulations for Handling Complaints Against Sworn Members of the Police Department Approved by the City Council October 5, 2021.

https://berkeleyca.gov/sites/default/files/2022-02/PAB-ODPA.Interim.Reggs_.Approved.2021-10-05.pdf

Mandatory Provisions

City Charter

The mandatory provisions for the PAB in the City Charter deal with the composition and procedures of the PAB. Many of the provisions deal with the requirements of individual board members such as the training requirement or term limits. The active actions the PAB, as a whole, is required to take in the City Charter are:

- approve the annual report from the DPA as outlined in the Charter [\(16\)\(c\)](#);
- reviewing and making recommendations on newly adopted policies submitted by the Chief of Police [\(17\)\(a\)](#);
- adopt regulations for handling complaints filed with the DPA [\(18\)](#);
- consult with the City Manager for the hiring of a new Chief of Police during a vacancy [\(22\)](#);
- receiving information on any agreed contracts adopted by the City Council related to the PAB's work [\(25\)](#);
- creating a regular commendation program for sworn employees of the BPD [\(26\)](#); and
- conducting a review of its internal processes every two years [\(28\)](#).

The City Charter also puts mandatory limits of the PAB's power. The PAB is unable to limit the City Council, Chief of Police, or City Manager's authority derived from other provisions of the City Charter to act on policing matters. The PAB does not have the authority to supplant the authority of the City Manager or Chief of Police.

Berkeley Municipal Code

According to Chapter 2.99 of the Berkeley Municipal Code, the PAB plays a role in reviewing the city's use of surveillance technology by:

- **Reviewing Surveillance Use Policy:** The City Manager must present a Surveillance Use Policy and report for each new surveillance technology to the PAB before it goes to the City Council for approval. ([Section 2.99.030\(2\)](#))

- **Providing Recommendations:** The PAB can then vote to recommend approval of the policy, object to it, suggest modifications, or take no action. However, their decision is not binding, and the City Council can still proceed with adopting the policy. ([Section 2.99.030\(2\)](#))

The Berkeley Municipal Code Chapter 2.100, titled "Police Equipment and Community Safety Ordinance," establishes the **PAB's** role in regulating the acquisition and use of "Controlled Equipment" by the police department. Here's how the PAB is involved:

- **Review and Recommendation:** Before the City Council approves the acquisition or use of any Controlled Equipment, the Police Department must submit a **Controlled Equipment Impact Report** and a **Controlled Equipment Use Policy** to the PAB for review and recommendation. ([Section 2.100.040\(A\)](#))
- **Specific Requirements:** The PAB is tasked with reviewing the proposed equipment and policy based on specific criteria, including:
 - Potential impact on the community, particularly on protected groups. ([Section 2.100.050\(A\)\(2\)\(a\)](#))
 - Whether alternative equipment or de-escalation tactics could achieve the same goal. ([Section 2.100.050\(A\)\(2\)\(b\)](#))
 - Consistency with the City's values and community policing principles. ([Section 2.100.050\(A\)\(2\)\(c\)](#))
- **Recommendation Outcome:** The PAB then issues a written recommendation to the City Council, which can be approval, disapproval, or suggestions for modification. However, the City Council has the final say on whether to approve the acquisition or use of the Controlled Equipment. ([Section 2.100.040\(A\)](#))

Interim Regulations

The *Interim Regulations* instruct the PAB and ODPa on the requirements and procedures for investigating complaints.⁵

BPD Policies

⁵ See 4. PREAMBLE.

The BPD policies with mandatory aspects relevant to the PAB mandate information disclosure but there are two exceptions.

- The Use of Force Policy does require the BPD and PAB to convene to review and update the Use of Force Policy at least once a year. (300.13)
- The Military Equipment Policy also requires the PAB to review and make recommendations to the City Council with the same procedures and requirements of the Police Equipment and Community Safety Ordinance. (709.11)

Most of the other policies mandate PAB access to evidence such as body-worn camera footage.

Standing Rules

The Standing Rules exist to establish the PAB's processes and ensure transparency and efficiency (A.). This procedural law document outlines how the PAB is to function. The PAB is required by the Standing Rules to:

- take public comment at the beginning and end of each Board meeting (F.1.);
- have a regular meeting on the second and fourth Wednesday of the month, with exceptions (H.);
- hold elections in the second January Meeting (I.1.); and
- constitute a mutual aid subcommittee at first meeting in February (K.);

There are requirements for individual board members, the Chair, and the Vice Chair outside the scope of this memorandum such as deadlines for submitting agenda items and meeting procedures.

Permissible Provisions

City Charter

The permissible provision in the City Charter addresses actions the PAB may do if it chooses to do so. Most notably, all of the PAB's powers are permissible, including the power to review memoranda of understanding between the BPD and all other local, state, and federal law enforcement, intelligence, and military agencies or private security organizations [\(3\)\(a\)\(2\)](#). The list of the PAB powers, as listed in Subsection [\(3\)\(a\)](#) are:

1. To advise and make recommendations to the public, City Council, and City Manager regarding the operation of the Berkeley Police Department, including all written policies, practices, and procedures in relation to the Berkeley Police Department;
2. Review and recommend for City Council approval all agreements, letters, memoranda of understanding, or policies which express terms and conditions of mutual aid, information sharing, cooperation and assistance between the Berkeley Police Department and all other local, state and federal law enforcement, intelligence, and military agencies or private security organizations;
3. To receive and consider the findings and recommendations of the Director of Police Accountability regarding complaints filed by members of the public against sworn employees of the Police Department and to recommend if discipline is warranted when misconduct is found and, pursuant to Section 18, the level of discipline for sustained findings of misconduct;
4. To participate in the hiring of the Chief of Police as set forth in Section 22;
5. To access records of City Departments, compel attendance of sworn employees of the Police Department, and exercise the power of subpoena as necessary to carry out its functions;
6. To adopt rules and regulations necessary for the conduct of its business; and
7. Any other powers and duties as the City Council may assign it by Ordinance.

The PAB also possesses two more permissible powers through the City Charter. The PAB has the power to review and make recommendations to the City Council regarding the BPD budget [\(22\)](#). The Chief of Police is required to submit a budget proposal to the PAB annually. Secondly, the PAB can make recommendations to the City Council for enacting legislation or regulation that will further the goals and purposes of Article XVIII of the City Charter [\(29\)](#).

BPD Policies

The one permissible BPD policy is 404.8. This policy grants a board member the power to attend the selection board interviews to monitor the interview process for members of special response teams.

Standing Rules

According to the *Standing Rules* the PAB may:

- initiate a review of BPD policy, practice, or procedure upon a majority vote (G.2.) and
- commend or otherwise honor sworn officers or civilian employees of BPD (L.2.).

There are permissible provisions for individual board members, the Chair, and the Vice Chair outside the scope of the memorandum such as polling the public before an agenda item.

List of Mandatory Provisions

City Charter Section 125, Article XVIII

[\(1\)](#) *Establishment and purpose.*

[\(5\)](#) *Composition of Police Accountability Board; eligibility*

[\(6\)](#) *Board Member selection*

[\(7\)](#) *Terms; term limits*

[\(8\)](#) *Conflicts of interest and Avoiding Bias.*

[\(10\)](#) *Board Chairperson and Vice-Chairperson*

[\(12\)](#) *Board member training; At-will Status; Oath of Maintaining Confidentiality*

[\(13\)](#) *Board meetings; quorum; rules of procedure;*

[\(14\)](#) *Office of the Director of Police Accountability.*

[\(15\)](#) *Legal counsel.*

[\(16\)](#) *Board reports.*

[\(17\)](#) *Policy review and approval.*

[\(18\)](#) *Complaints filed with the Director of Police Accountability.*

[\(19\)](#) *Review of complaints filed with the Berkeley Police Department.*

[\(20\)](#) *Access to records of City departments; compelling testimony and attendance.*

[\(22\)](#) *Hiring of Chief of Police*

[\(23\)](#) *Chief of Police or command staff to attend Board meetings.*

[\(24\)](#) *Berkeley Police Department written reports to the Board.*

[\(25\)](#) *Contract negotiations*

[\(26\)](#) *Commendation program.*

[\(28\)](#) *Review of processes.*

Berkeley Municipal Code

Chapter 2.99 BMC, Acquisition and Use of Surveillance Technology

Chapter 2.100 BMC, Police Equipment and Community Safety Ordinance

Interim Regulations

BPD Policies

200.12 *Organizational Structure and Responsibility; Duty Command Officer*

201.7 *Document Distribution*

300.13 *Use of Force; Civilian Complaints*

425.18.1 *Body Worn Cameras; Police Review Commission*

709.11 *Military Equipment; Compliance*

1300.9 *Surveillance Use Police – Body Worn Cameras; Police Review Commission*

Standing Rules

A. *Purpose*

B. *Amendments and Revisions*

F. *Public Comment*

H. *Regular Meetings*

I. *Elections*

K. *Mutual Aid Agreements*

List of Permissible Provisions

City Charter Section 125, Article XVIII

[\(3\)](#) *Police Accountability Board powers and duties*

[\(4\)](#) *Independent Agency; budget authority and allocation*

[\(9\)](#) *Expiration of term; termination; leave of absence; removal*

[\(11\)](#) *Board Member Stipends*

[\(13\)\(d\)](#) *Subcommittees*

[\(21\)](#) *Advice regarding Police Department budget.*

[\(29\)](#) *Enabling Legislation.*

BPD Policies

404.8 *Special Response Team; Selection Process*

Standing Rules

G. *Policy Complaints and Reviews*

J. *Appointment of Members of the Public to Subcommittees*

L. *Commendations of BPD Personnel*

List of Undiscussed Relevant Provisions

City Charter Section 125, Article XVIII

[\(2\)](#) *Definitions*

[\(27\)](#) *Transition from Police Review Commission to Police Accountability Board.*

[\(30\)](#) *Repeal of Ordinance No. 4,644-N.S.*

[\(31\)](#) *Severability.*

BPD Policies

1033.6 *BPA Association Release Time*

1010.4 *Personnel Complaints; Prohibited Contact*

1010.5 *Personnel Complaints; Internal Affairs Bureau*

1010.7.3 *Personnel Complaints; Complaints to the Police Accountability Board*

1010.7.4 *Personnel Complaints; Timeline*

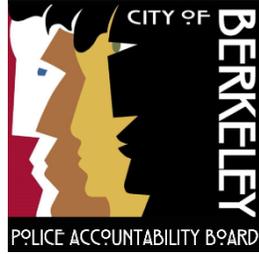
1010.24 *Personnel Complaints; Policy Complaints*

1107.3 *Special Order 2023-0001; Reaffirmation of Consent Searches*

13-4.9 Surveillance Use Policy-External Fixed Video Surveillance Cameras; Third-Party Data-Sharing

Item 4

2026 PAB Workplan Template



PAB MANDATORY ACTIVITY TIMELINES

Area	Pursuant to	To PAB	PAB	Comments
Annual Report	125(16)	April annually for prior year	Review & Approve	125(16)(c): This annual report shall be presented to the Board for approval. Upon adoption by the Board, it shall be presented to the Mayor and City Council, City Manager, and the Chief of Police at a City Council meeting, and shall include, where appropriate, recommendations for changes in the processes and procedures that were reviewed.
Bi-annual review of internal processes	125(28)	Every two years beginning in 2024 in November	Review	125(28): The Board shall conduct a review of its processes every two years after the Effective Date in order to ascertain the efficacy of its processes.
Surveillance Use Policy Report	Ordinance 2.99.030	Prior to adoption by the City Council.	Receive	Annually; reviewed by full Board Staff review initially
Surveillance Acquisition Report and Policy [2.99]	Ordinance 2.99.030	Prior to adoption by the City Council.	Receive and recommendation to Council	Ad Hoc; reviewed by full Board Staff review initially
Controlled Equipment Impact Report and Use Policy pre-acquisition	Ordinance 2.100	When due to the PAB? [By March 15 or a date that's mutually agreed upon].	Review and recommendation to Council	Annually; reviewed by full Board Staff review initially

or use [2.100]				
Use of Force Policy	BPD Policy 300.13	Q1 annually	Review and update annually	Annually; reviewed by full Board Staff review initially
Mutual Aid Agreements	125(3)(a)(2) Standing Rule K.	First meeting of the year	Review	(Standing Rules) The Board shall constitute a mutual aid subcommittee no later than the first meeting in February of each year to review the compendium of agreements made between the BPD and other law enforcement entities. The Board or the subcommittee may determine which agreements to review.