



**POLICE ACCOUNTABILITY BOARD**  
**SUPPLEMENTAL PACKET #2**  
**Wednesday, February 28, 2024**  
**6:30 P.M.**

Board Members

John Moore III (Chair)  
Kitty Calavita  
Julie Leftwich  
Joshua Cayetano

Leah Wilson (Vice-Chair)  
Regina Harris  
Brent Blackaby  
Alexander Mozes

**MEETING LOCATION**


North Berkeley Senior Center  
1901 Hearst Avenue  
Berkeley, CA 94709  
([Click here for Directions](#))

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Item 5. ODPa Memorandum Titled “Review of Mandatory and Permissible Provisions in the City Charter, BPD Policies, and Standing Rules.”



**MEMORANDUM**

To: Police Accountability Board  
From: Hansel Aguilar, Director of Police Accountability   
Keegan Horton, ODPa Investigator  
Date: 2/21/24  
Subject: Review of Mandatory and Permissible Provisions in the City Charter, BPD Policies, and Standing Rules.

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**Introduction**

Upon request of the Police Accountability Board (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.<sup>1</sup> 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) Policies<sup>2</sup> and the Standing Rules<sup>3</sup>. A detailed examination of the *Interim Regulations*<sup>4</sup> is outside the scope

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<sup>1</sup> Article XVIII Police Accountability Board and Director of Police Accountability.

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

<sup>2</sup> Berkeley Police Department Law Enforcement Services Manual.

[https://berkeleyca.gov/sites/default/files/documents/RELEASE\\_20220921\\_T152222\\_Berkeley\\_PD\\_Policy\\_Manual.pdf](https://berkeleyca.gov/sites/default/files/documents/RELEASE_20220921_T152222_Berkeley_PD_Policy_Manual.pdf)

<sup>3</sup> Standing Rules.

[https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard\\_StandingRules.pdf](https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf)

<sup>4</sup> 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](https://berkeleyca.gov/sites/default/files/2022-02/PAB-ODPA.Interim.Reggs_.Approved.2021-10-05.pdf)

of this memorandum because it deals with specific procedural matters often taken by the ODP.

## **Discussion**

### **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:

- recommend candidates for consideration by the City Council for a Director of Police Accountability (DPA) during a vacancy [\(14\)\(a\)](#);
- 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.<sup>5</sup>

### *BPD Policies*

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**

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<sup>5</sup> See 4. PREAMBLE.

*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 Polices**

- 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**

## **PAB February 28, 2024 Regular Meeting**

Internal

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*

# 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

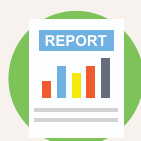
## PERMISSIBLE



To recommend candidates for consideration by the City Council for a Director of Police Accountability (DPA) during a vacancy 125(14)(a)



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 125(3)(a)



approve the annual report from the DPA 125(16)(c)



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 125(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);



To adopt rules and regulations necessary for the conduct of its business 125(3)(a)



Receiving information on any agreed contracts adopted by the City Council related to the PAB's work 125(25);



Provide community participation in setting and reviewing Police Department policies, practices, and procedures, 125(1)



Creating a regular commendation program for sworn employees of the BPD 125(26);



Any other powers and duties as the City Council may assign it by Ordinance 125(3)(a)




Conducting a review of its internal processes every two years 125(28).



Item 11.e. ODPa Memorandum Titled “Records pertinent to the completion of the “Policies and Practices relating to the Downtown Task Force and Bike Unit Allegations”



**MEMORANDUM**

**Date:** Tuesday, February 27, 2024  
**To:** Honorable Members of the Police Accountability Board (PAB)  
**From:** Hansel Aguilar, Director of Police Accountability (DPA)   
**Subject:** Records pertinent to the completion of the “Policies and Practices relating to the Downtown Task Force and Bike Unit Allegations”

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The purpose of this memorandum is to provide the Police Accountability Board (PAB) with information on the outstanding documents regarding the work being completed by the “Policies and Practices relating to the Downtown Task Force and Bike Unit Allegations” Subcommittee (hereafter ‘subcommittee’).

**Background:**

On November 10, 2022, former BPD Officer Corey Shedoudy who had been a member of the DTF but was terminated for misconduct, wrote an email to the Berkeley City Council alleging that text messages expressing racist attitudes, bias against the unhoused, and pressure to meet arrest quotas, had been sent among members of the DTF, with Sergeant Darren Kacelek playing a central role<sup>1</sup>. The allegations included screenshots<sup>2</sup> of the alleged texts<sup>2</sup>. In December 2022, the law firm of Swanson & McNamara was hired by the City of Berkeley to conduct an external investigation of the allegations. The external investigation replaced an inquiry by the Internal Affairs Bureau (IAB) of the Berkeley Police Department (BPD) to mitigate potential conflicts of interest<sup>3</sup>. The allegations that Swanson & McNamara was tasked with investigating included the following claims made by Mr. Shedoudy<sup>4</sup>:

- 1) Allegations of an "unethical and illegal practice of arrest quotas of downtown unhoused ordered by [name] to DTF/Bike Force," which purportedly commenced when Chief Louis held the position of BPD Police Captain and persisted after she was appointed Interim Chief.
- 2) Assertions that the DTF/Bike Force was instructed to make 100 arrests per month.

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<sup>1</sup> [Leaked texts from Berkeley police union leader show 'disturbing' comments \(berkeleyside.org\)](https://www.berkeleyside.org/news/2022/11/10/leaked-texts-from-berkeley-police-union-leader-show-disturbing-comments)

<sup>2</sup> [Text Messages Attached to Ofc. Shedoudy's November 10th, 2022 Email to the Berkeley City Council](#)

<sup>3</sup> [Berkeley police: Investigations underway into text, quota allegations \(berkeleyside.org\)](https://www.berkeleyside.org/news/2022/12/01/berkeley-police-investigations-underway-into-text-quota-allegations)

<sup>4</sup> [Ofc. Shedoudy's November 10th, 2022 Email to the Berkeley City Council](#)

- 3) Claims of meeting the alleged quota through questionable legal tactics, including stop and frisk, probation searches without reasonable suspicion, and a loose interpretation of stay-away orders from UC Berkeley.
- 4) Criticisms of Chief Louis's perceived inaction.
- 5) Allegations of "illegal arrest quotas, racism, evidence suppression, lying, and quid pro quos" supported by various forms of evidence, such as text messages, emails, sworn testimony transcripts, public arrest records, and photographs.

To investigate these claims, the Swanson team submitted Mr. Shedoudy's phone to a third-party vendor for data extraction, including text communications among DTF and/or Bike Unit members from October 1, 2019, to approximately March 1, 2023<sup>5</sup>. The authenticity of each message was confirmed, except for one located on page 3 of Shedoudy's allegations letter, which could not be found on the phone. The Swanson team also reviewed data on arrests made by DTF and Bike Unit officers from October 1, 2019, through November 22, 2020. This timeframe corresponded with Shedoudy's tenure in the DTF and Bike Unit, and involved the review of 481 arrest reports, accounting for over 50% of the total.

Additionally, internal Department message board posts concerning DTF activities were gathered and reviewed by Swanson's team, covering the period from November 6, 2019, to March 24, 2020. The investigation also included interviews with former Officer Shedoudy and some members of the Berkeley Police Department. The Swanson & McNamara investigative report was completed in June 2023. Those findings have not been made public, but the subcommittee (ODPA and PAB as a whole) was provided facilitated access to review the report through the City Attorney's office.

While the Swanson & McNamara report was deemed confidential consistent with California Penal Code Section 832.7<sup>6</sup>, the Berkeley Scanner quoted City spokesperson Matthai Chakko that "the investigation found that the department does not have a practice of racial bias," that "the department does not have any arrest quotas," and that the department follows all state laws and the constitution<sup>7</sup>. Berkeleyside also published an article summarizing the City spokesperson's report: "According to city spokesperson Matthai Chakko," the article read, "Swanson and McNamara's investigation found that: the department does not have a practice of racial bias; the department does not have any arrest quotas; the department follows state law and constitutional law...; and the department has existing policies that prohibit discrimination and harassment of protected classes."<sup>8</sup> A Berkeleyside article about this City messaging quoted Mayor Jesse Arreguin's public statement: "Regardless of the underlying findings and outcomes, the investigator verified the accuracy of the text messages. What is clear from a plain reading of the texts is that the behavior was unprofessional and does not meet the standards to which we should hold our City employees...."<sup>9</sup>

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<sup>5</sup> [Swanson & McNamara's Summary of Investigation Process](#)

<sup>6</sup> [California Penal Code Section 832.7 | Law section \(ca.gov\)](#)

<sup>7</sup> [Berkeley police bike team cleared of claims made by fired cop \(berkeleysscanner.com\)](#)

<sup>8</sup> [Berkeley police texts probe found no quotas or racial bias, city says \(berkeleyside.org\)](#)

<sup>9</sup> [Berkeley officials slam 'drips of information' in BPD text investigation \(berkeleyside.org\)](#)

**Outstanding Records not yet reviewed:**

While the subcommittee has reviewed copious amounts of exhibits, data, and documents related to this policy and practices inquiry, there are still some relevant records that were requested by the subcommittee to the relevant custodians but have not been produced. The table below summarizes the documents and their utility for progressing the work of the subcommittee and PAB.

<b>RECORD</b>	<b>EVIDENTIARY VALUE FOR SUBCOMMITTEE</b>
All records in possession of BPD’s Internal Affairs Bureau regarding any disciplinary matters for former officer Shedoudy, Sergeant Kacelek, and any other member of the BPD Downtown Task Force and Bike Unit. Relevant records include but are not limited to any complaints by members of the public filed with BPD and their respective dispositions.	They provide direct insight into any formal complaints, investigations, and disciplinary actions taken against former officer Shedoudy, Sergeant Kacelek, and members of the Downtown Task Force and Bike Unit. By examining these records, the PAB can evaluate the department's responsiveness to allegations of misconduct, the thoroughness of internal investigations, and the consistency of disciplinary measures. This, in turn, aids in understanding the culture of accountability (or lack thereof) within the unit and the department at large, offering a basis for recommendations on policy and procedural reforms.
Complete Swanson Report with exhibits relevant to its production (i.e. interview recordings, etc.)	Provides a comprehensive view of the external investigation into the allegations made by former officer Shedoudy. The report and its exhibits are essential for verifying the thoroughness of the investigation conducted by Swanson & McNamara, the methodologies used in corroborating claims, and the basis for their findings. Access to the complete set of evidence allows for an independent assessment of the investigation's conclusions, ensuring that the PAB can critically analyze the findings, identify any gaps or overlooked areas, and reinforce the credibility of the oversight process. This comprehensive review is vital for addressing public concerns, enhancing transparency, and fostering trust between the community and the police department.
Text messages (beyond those publicly available) and or certification/affidavit from officers that no additional records exist:	Text messages and any additional communications among members of the Downtown Task Force and Bike Unit offer direct evidence of the attitudes, behaviors, and potential biases within these groups.

<p>PRA Request # 22-1033 "... all records including text messages and chats from June 1, 2020, to present between members of the Berkeley Police Downtown Task Force/Bike Unit as well as records between members of the task force and City Manager Dee Williams-Ridley. "</p>	<p>The request for messages beyond those already made public, coupled with certifications or affidavits from officers regarding the existence of such records, is pivotal in establishing a clear and complete understanding of the communication dynamics among officers. These documents are crucial for evaluating the presence of racial bias, unprofessional conduct, and adherence to or violation of department policies and ethical standards. They also serve to confirm or refute allegations of systemic issues within the department, such as the enforcement of arrest quotas. The authenticity and completeness of these communications are fundamental to ensuring a thorough investigation and review process, providing a solid foundation for any resultant actions or policy recommendations aimed at reforming practices and promoting integrity within the BPD.</p>
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**Next Steps:**

Section 125(3)(a)(5) of the City Charter<sup>10</sup> grants the Police Accountability Board (PAB) the authority to "access records of City Departments, compel the attendance of sworn employees of the Police Department, and exercise subpoena powers as necessary to fulfill its duties." Despite these clear provisions, the PAB has encountered challenges in obtaining the necessary documents for its review, having made requests directly to City Departments (and or relied on records that should have been provided through the Public Records Act (PRA)), but without success. Given this impasse in records acquisition, it is pertinent for the Board to consider the possibility of exercising its subpoena power, as stipulated in the City Charter, to ensure access to the required documents. This approach is in line with the Board's mandate to oversee police operations thoroughly and effectively.

This consideration aligns with the Board's responsibilities and the overarching goal of promoting transparency and accountability within the Police Department, thereby upholding the public's trust and safety.

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<sup>10</sup> [Berkeley Charter Section 125\(3\)\(a\)\(3\) | Berkeley Charter \(municipal.codes\)](#)