



Office of the City Manager

14

CONSENT CALENDAR
May 25, 2021

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: LaTanya Bellow, Director, Human Resources
 Subject: Classification and Salary: Establish Director of Police Accountability

RECOMMENDATION

Adopt a Resolution amending Resolution No. 69,538-N.S. Classification and Salary Resolution, to establish the Unrepresented classification of Director of Police Accountability with a monthly salary range of \$11,862.93 - \$17,794.40 effective May 25, 2021.

FISCAL IMPACTS OF RECOMMENDATION

The total cost for the position is \$321,719 in FY 2022 and it will be funded by the General Fund.

CURRENT SITUATION AND ITS EFFECTS

The Personnel Board discussed the Director of Police Accountability class specification at its April 12, 2021 meeting and voted (Yes: Lacey, Dixon, Karpinski, Gilbert, Wenk; Noes: None; Abstains: None; Absent: Bartlow, Frankel, Wilson) to recommend the following to City Council:

1. Establish the classification of Director of Police Accountability. The Director of Police Accountability classification will be exempt from the overtime provisions of the Fair Labor Standards act (FLSA) and eligible for Administrative Leave. The Director of Police Accountability classification will be Unrepresented with a monthly salary range of \$11,862.93 - \$17,794.40.

Pursuant to Resolution 69,531–N.S. that was adopted by the City Council on July 28, 2020, the application to solicit community interest in the Police Accountability Board has been issued and it is anticipated that the Mayor and City Council will make appointments to the Board by June 30, 2021 so that the Police Accountability Board can commence its work July 1, 2021. In order to enable the Police Accountability to commence its work, the City Council is being asked to approve the attached class specification so that the Mayor and City Council can appoint an individual to serve as Interim Director of Police Accountability. The Interim will serve at the pleasure of City Council while city staff facilitate a recruitment process to identify candidates for the Director of Police Accountability for City Council consideration.

BACKGROUND

In 1973, a ballot measure was adopted to establish a Police Review Commission for the community to participate in setting Police Department policies, practices, and procedures and to provide a means for investigation of complaints against sworn employees of the Police Department. The existing Police Review Commission consists of nine (9) commissioners that are appointed by the Mayor and City Council, and is supported by three (3) full-time equivalent employees. The Police Review Commission's FY 21 adopted budget is approximately \$776,459. In 2020, the Police Review Commission received twelve (12) individual complaints and two (2) policy complaints.

On November 3, 2020, Berkeley voters adopted Measure II, a Charter Amendment that established the Office of the Director of Police Accountability that consists of a new position, Director of Police Accountability, and the Police Accountability Board. The Police Accountability Board replaces the existing Police Review Commission.

Pursuant to Measure II, 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. The Director of Police Accountability, amongst other responsibilities as outlined in Measure II, is responsible for investigating complaints filed against sworn employees of the Berkeley Police Department, carry out the work of the Police Accountability Board, and oversee the day-to-day operations of the Office of the Director of Police Accountability. Both the Police Accountability Board and Director of Police Accountability are independent of the City Manager, except for administrative purposes, and report to the Mayor and City Council.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

It has been the policy of the City to create the necessary classification and salary schedule to accommodate new duties and responsibilities, reflect programmatic changes, maintain competitive salaries and, when applicable, comply with regulatory requirements.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

David White, Deputy City Manager, (510) 981-7012

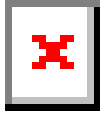
Attachments:

1: Class Specification – Director of Police Accountability

2: Resolution

 Exhibit A: Salary Schedule

Attachment 1



CITY OF BERKELEY
Established Date: May 25, 2021

Class Code:
XXXX

Director of Police Accountability

Bargaining Unit: Unrepresented
Classification

SALARY RANGE

\$68.44 - \$102.66 Hourly
\$11,862.93 - \$17,794.40 Monthly
\$142,355.20 - \$213,532.80 Annually

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, both of which are independent of the City Manager; 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. 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;
3. Within state and federal law, and the City and Berkeley Police Department, 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;
4. Attend and/or conduct investigative interviews within legal parameters and the policies, practices, procedures, and personnel rules of the City and Berkeley Police Department; develop/prepare conclusions, recommendations, and reports;
5. 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;
6. 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;
7. Develop and prepare recommendations regarding Department policies and procedures related to internal investigations of complaints filed against officers and Police Department operations;
8. 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;
9. 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;
10. 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;
11. 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;

12. 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;
13. 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;
14. Monitor the efficiency and effectiveness of the Office of the Director of Police Accountability work products through quality control and related activities;
15. Prepare and make presentations to City officials, community members and others as required;
16. Participate on committees, boards, task forces, and in community activities as assigned; attend meetings, conferences, and workshops as assigned;
17. May respond on-site to incidents if deemed necessary; and monitor on-site interviews of Police Department personnel, witnesses, and citizens as appropriate;
18. Monitor legislation and assure City compliance with related laws, regulations, statutes, and codes;
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. Principles and practices of civilian oversight of law enforcement;
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. Procedures for conducting civil, criminal or factual investigations that involve gathering, analyzing and evaluating evidence;
11. General legal principles, practices, terminology, and documents;
12. Public relations practices and techniques; public speaking;
13. Current literature, laws, regulations, and developments, as well as various agencies, that impact municipal police internal investigations;
14. Research methods; report writing techniques; statistical concepts and methods; principles and techniques of project management.

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 policies for the Office of the Director of Police Accountability;
5. Communicate clearly and concisely, both orally and in writing;
6. Gain cooperation through discussion and collaboration;
7. Successfully develop, control and administer departmental budget and expenditures;
8. Interpret and apply City policies, procedures, rules and regulations;
9. Supervise, train and evaluate assigned staff;
10. Direct and perform complex and difficult investigations involving sensitive and confidential legal matters;
11. Meet critical deadlines; make decisions under pressure;
12. Develop, recommend, and administer policies and procedures related to complaint investigations;
13. Read, interpret, and analyze complex laws and regulations, and recommend/implement effective and reasonable courses of action;
14. Prepare and give effective public presentations;
15. Prepare and present complex narrative and statistical reports, correspondence, and other documents;
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 course work in criminal justice, criminology, political 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:

Director of Police Accountability	
Classification Code	XXXX
Classification Established	May 25, 2021
FLSA Status	Exempt
Admin Leave/Overtime	Admin Leave
Representation Unit	Unrepresented
Probationary Period	N/A
Workers' Comp Code	8810

RESOLUTION NO. ##,###-N.S.

CLASSIFICATION: DIRECTOR OF POLICE ACCOUNTABILITY

WHEREAS, the Human Resources Department maintains the Classification and Compensation plan for the City of Berkeley; and

WHEREAS, the City Manager's Office had requested the Human Resources Department establish the Director of Police Accountability classification; and

WHEREAS, City Manager's Office and Human Resources Department have completed a classification review; and

WHEREAS, the Personnel Board recommended on April 12, 2021 to establish the classification of Director of Police Accountability, exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and eligible for Administrative Leave, Unrepresented Unit, with a monthly salary range of \$11,862.93 - \$17,794.40 effective May 25, 2021.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 69,538-N.S., Classification and Salary Resolution for Unrepresented is amended to establish the classification of Director of Police Accountability with a salary range as shown in Exhibit A, effective May 25, 2021.

Exhibits

A: Salary Schedule: Director of Police Accountability

May 25, 2021

EXHIBIT A

SALARY SCHEDULE

Job Code	Classification Title	Rep Unit	FLSA	Step A	STEP B	STEP C	STEP D	STEP 5	Effective Date
#####	Director of Police Accountability	Z1	E	\$11,862.93	\$17,794.40				25-May-2021