



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

POLICE ACCOUNTABILITY BOARD REGULAR MEETING

**Wednesday, October 13, 2021
7:00 P.M.**

Board Members:

ISMAIL RAMSEY, CHAIR
MICHAEL CHANG, VICE-CHAIR
KITTY CALAVITA

REGINA HARRIS
JULIE LEFTWICH
DEBORAH LEVINE

NATHAN MIZELL
JOHN MOORE III
CHERYL OWENS

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, this meeting of the City of Berkeley Police Accountability Board will be conducted exclusively through teleconference and Zoom videoconference and there will not be a physical meeting location available.

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/82237902987>. 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 **822 3790 2987**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized.

AGENDA

- 1. CALL TO ORDER & ROLL CALL (5 minutes)**
- 2. APPROVAL OF AGENDA (5 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 matter within the Board’s jurisdiction at this time.)

The Police Accountability Board and Office of the Director of Police Accountability (ODPA) were created to provide independent civilian oversight of the Berkeley Police Department. They review and make recommendations on police department policies, and investigate complaints made by members of the public against police officers. For more information, contact the ODPA.

1947 Center Street, 5th Floor, Berkeley, CA 94704 TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955

Website: www.cityofberkeley.info/dpa/

Email: dpa@cityofberkeley.info

- 4. APPROVAL OF MINUTES (3 minutes)**
 - a. Regular meeting of September 22, 2021.
 - b. Regular meeting of September 29, 2021.
- 5. CHAIR'S REPORT (5 minutes)**

Update from Board member Mizell on Reimagining Public Safety Task Force
- 6. DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT (5 minutes)**

Status of complaints; other items.
- 7. CHIEF OF POLICE'S REPORT (10 minutes)**

Crime/cases of interest, community engagement/department events, staffing, training, and other items of interest.
- 8. SUBCOMMITTEE REPORTS (discussion and action) (10 minutes)**

Report of activities and meeting scheduling for all Subcommittees, possible appointment of new members to all Subcommittees, and additional discussion and action as noted for specific Subcommittees:

 - a. Fair & Impartial Policing Implementation – met Oct. 7.
 - b. Director Search.
 - c. Regulations – met Oct. 12.
- 9. OLD BUSINESS (discussion and action)**
 - a. Questions to City Attorney's Office regarding the confidential memo on the obligation to meet and confer over provisions of the Interim Regulations for handling complaints against sworn officers: 1) whether the City Attorney can meet with the PAB in closed session to discuss the memo; 2) can an executive summary can be produced for released to the public; 3) may the PAB as client waive attorney-client privilege so the memo can be made public. (15 minutes)
 - b. Status of memo from City Attorney's office regarding lawful changes to hearing process to correct imbalances. (5 minutes)
 - c. City Attorney conflict-of-interest issues. (15 minutes)
 - d. Continue discussion and adopt permanent Standing Rules for the Board's conduct of business. (30 minutes)
 - e. Policy complaint – Determine how to proceed on policy Complaint #7). (10 minutes)
- 10. NEW BUSINESS (discussion and action)**
 - a. Review and answer questions about Interim Regulations for handling complaints, approved by City Council Oct. 5, 2021. (10 minutes)
From: Interim Director

- b. Training: Procedural justice as practiced by BPD;
OR Quasi-judicial obligations of the Board. (1 – 1.5 hours)

Closed Session

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 take action on the following matter(s):

11. **CONSIDER RECOMMENDATION FOR ADMINISTRATIVE CLOSURE OF COMPLAINT #3**
12. **CONSIDER RECOMMENDATION FOR ADMINISTRATIVE CLOSURE OF COMPLAINT #8**

End of Closed Session

13. **ANNOUNCEMENT OF CLOSED SESSION ACTION** (1 minute)
14. **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 items on this agenda only.)
15. **ADJOURNMENT** (1 minute)

Communications Disclaimer

Communications to the Police Accountability Board, like all communications to Berkeley boards, commissions or committees, are public record 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 1947 Center Street, 5th Floor, Berkeley, CA.

Contact the Director of Police Accountability (Board Secretary) at dpa@cityofberkeley.info