



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
MINUTES
(approved)

Wednesday, December 8, 2021, 7:00 P.M.

No physical location; meeting held exclusively through videoconference and teleconference.

1. CALL TO ORDER & ROLL CALL BY CHAIR RAMSEY AT 7:01 P.M.

Present: Board Member Ismail Ramsey (Chair)
Board Member Michael Chang (Vice-Chair) (left 7:19 p.m.)
Board Member Kitty Calavita
Board Member Juliet Leftwich
Board Member Deborah Levine
Board Member Nathan Mizell
Board Member John Moore
Board Member Cheryl Owens

Absent: Board Member Regina Harris

ODPA Staff: Katherine J. Lee, Interim Director of Police Accountability, Byron Norris, DPA Investigator

BPD Staff: Interim Chief Jen Louis, Lt. Rob Rittenhouse, Sgt. Scott Castle (BPA), Ofc. Matthew Valle (BPA)

2. APPROVAL OF AGENDA

Motion to approve the agenda as modified to move Items 10.a. and 10.c. to after 9.c.

Moved/Second (Calavita/Levine) **Motion Carried by general consent**

Ayes: Calavita, Chang, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: Harris

3. PUBLIC COMMENT

There were 6 speakers.

4. APPROVAL OF MINUTES

a. Regular meeting of November 10, 2021.

Motion to approve Regular Meeting Minutes.

Moved/Second (Calavita/Moore) **Motion Carried by general consent**

b. Special meeting of November 17, 2021.

Motion to approve Special Meeting Minutes.

Moved/Second (Levine/Calavita) **Motion Carried by general consent**

5. CHAIR'S REPORT

Chair Ramsey reported:

-- Reminder to Board members to keep doing training.

-- At first meeting of 2022, nominations for Chair and Vice-Chair will be taken, so think about whether you're interested in running. Election at second meeting.

Board member Mizell's update on Reimagining Public Safety Task Force: Met last Thursday. Next meeting Jan. 6, 2022, at 6 p.m. Working on companion response to some of the consultant's recommendations.

6. DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT

The Interim Director reported:

-- Two complaints filed since last meeting, by same person, but fail to state prima facie case. Staff will work with complainant.

-- *Caloca* decision on a PRC case was issued: administrative law judge upheld the PRC's findings.

-- First findings & recommendations from DPA were sent to the Chief, but IAB's investigation not done.

-- Next week, the Director, Mr. Norris, and Board members Moore and Levine will be attending the NACOLE conference in Tucson, AZ.

-- Training: reading materials have been made available electronically and via hard copy for those who asked for it. For all training not done in a meeting, send me an email to note hours and date for tracking and stipend purposes.

-- Mayor had some concerns over the Standing Rules; on action calendar of Council's Dec. 14 meeting. Extension of DPA's contract also on the agenda.

-- Staff has been exceptionally busy.

The Interim Director answered questions from Board members.

7. CHIEF OF POLICE'S REPORT

Interim Chief Louis reported:

-- Last week made 2 job offers; one to a lateral and one to entry-level officer. Now 8 in or entering field training. At 141 sworn on full duty. Still below 157 authorized.

-- City staff is 94% vaccinated with 5% granted accommodations or under review. Don't have stats for Police Dept.

-- Sent email to community addressing recent gun violence. [Posted online under supplemental materials.] 45 shootings this year v. 37 at this time last year. Trying to allocate limited resources in best way possible to address.

Interim Chief Louis answered questions from Board members.

8. SUBCOMMITTEE REPORTS (discussion and action)

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. Nothing to report.
- b. Director Search – met Dec. 7. Co-chair Levine reported: Good meeting with Byers Group, the recruiting firm. Asked committee members about the qualifications, background, and experience of their ideal director candidate. Starting to create brochure. Invited to suggest possible candidates.
- c. Regulations – met Nov. 30. Before end of January will probably have proposed permanent regulations. Next meeting to be scheduled.
- d. Mental Health Response (Policy Complaint #7) – meeting to be scheduled.

Motion to suspend the rules and consider Item #9.d. next.

Moved/Second (Calavita/Moore) **Motion carried by general consent.**

9. OLD BUSINESS (discussion and action)

- a. Further report on City Attorney conflict-of-interest issues.

Interim Director read message from Deputy City Attorney Harvey: anticipate document addressing attorney-client conflict questions will be ready next week.

- b. Revision of Policy 425, Body Worn Cameras, to broaden access by PAB and ODP.

Postponed to the next meeting.

- c. Update from Interim Chief Louis regarding the October 15 incident involving a gun on the Berkeley High campus.

Lt. Rittenhouse gave an update.

- d. Appoint additional members to Mental Health Response Subcommittee (Policy Complaint #7).

(Heard following Item #8.d.)

Elena Auerbach spoke about her qualifications to serve as a public member of this subcommittee.

Motion to appoint Elena Auerbach as a public member of the Mental Health Response Subcommittee

Moved/Second (Calavita/Leftwich) **Motion Carried by general consent.**

10. NEW BUSINESS (discussion and action)

- a. Update from Interim Chief Louis regarding progress on implementing Council directives regarding Fair and Impartial Policing.

Interim Chief Louis gave a report and answered questions. No action.

- b. Authorize Chair and Vice-Chair to appear at December 14, 2021 City Council meeting regarding PAB Standing Rules.

Motion to authorize Chair and Vice-Chair to appear at December 14, 2021 City Council meeting regarding PAB Standing Rules.

Moved/Second (Calavita/Mizell) **Motion Carried by general consent**

- c. Vaccination status of BPD employees.

Interim Chief Louis gave a report and answered questions. No action.

- d. Approve PAB regular meeting schedule for 2022.

Motion to approve proposed calendar except to move the second meetings in April and October to Tuesdays (April 26 and October 25), to avoid conflict with religious holidays.

Moved/Second (Levine/Calavita) **Motion Carried**

Ayes: Calavita, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: Chang, Harris

11. PUBLIC COMMENT

There were 3 speakers.

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):

12. CONSIDER RECOMMENDATION FOR ADMINISTRATIVE CLOSURE OF COMPLAINT #3 (continued from Nov. 10, 2021 meeting)

Motion to reject administrative closure and move forward to an investigation.

Moved/Second (Mizell/Moore) **Motion Carried**

Ayes: Calavita, Leftwich, Levine, Mizell, Moore, and Owens.

Noes: Ramsey

Abstain: None

Absent: Chang, Harris

13. CONSIDER FINDINGS AND RECOMMENDATIONS OF INTERIM DIRECTOR IN COMPLAINT #1 AND DECIDE WHETHER A HEARING IS NEEDED

By general consent, the Board agreed to postpone consideration of this matter.

14. CONSIDER FINDINGS AND RECOMMENDATIONS OF INTERIM DIRECTOR IN COMPLAINT #2 AND DECIDE WHETHER A HEARING IS NEEDED

Motion to approve the Interim Director's findings and recommendations.

Moved/Second (Owens/Calavita) **Motion Carried**

Ayes: Calavita, Leftwich, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: Levine.

Absent: Chang, Harris

End of Closed Session

15. ANNOUNCEMENT OF CLOSED SESSION ACTION

The actions to reject the administrative closure in Complaint #3, postpone action in Complaint #1, and approve the Interim Director's findings and recommendations in #2 were announced.

16. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Second (Leftwich/Calavita) **By general consent, the meeting was adjourned at 10:57 p.m.**