



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
MINUTES
(approved)

Wednesday, April 13, 2022, 7:00 P.M.

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

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

Present: Board Member Michael Chang (Chair)
Board Member Nathan Mizell (Vice-Chair) (arrived 7:35 p.m.)
Board Member Kitty Calavita
Board Member Regina Harris
Board Member Juliet Leftwich
Board Member Deborah Levine
Board Member John Moore
Board Member Cheryl Owens
Board Member Ismail Ramsey

Absent: None

ODPA Staff: Katherine J. Lee, Interim Director of Police Accountability;
Beneba Thomas, DPA Investigator.

BPD Staff: Lt. Melanie Turner; Ofc. Matthew Valle (BPA)

2. APPROVAL OF AGENDA

Motion to approve the agenda with changes to combine #8.a. and #10.b.; #8.b., #9.b., and #10.a.; and #8.f. and #9.c.

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

3. PUBLIC COMMENT

4. APPROVAL OF MINUTES

a. Regular meeting of March 23, 2022.

Motion to approve Regular Meeting Minutes of March 23, 2022.

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

b. Special meeting of March 30, 2022.

Motion to approve Special Meeting Minutes of March 30, 2022.

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

5. CHAIR AND BOARD MEMBERS' REPORTS

Chair Chang reported: thanks to all for their hard work.

Board member Calavita reported on Police Chief Search: no update.

Reimagining Public Safety Task Force: Council special meeting on April 21, 2022.

6. DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT

The Interim Director reported:

-- Beneba Thomas started work yesterday as a temporary investigator. Ms. Thomas introduced herself.

-- One new complaint filed since the last meeting. Case status report in agenda packet.

-- Recruitment for permanent Director of Police Accountability underway.

-- Training during your next meeting on traffic enforcement.

-- Commendations will be agendized soon.

-- Next regular meeting (April 26) conflicts with City Council meeting when ALPR use policy will be discussed. (Board agreed to cancel April 26 and schedule special meeting for Weds., April 27).

7. CHIEF OF POLICE'S REPORT

Lt. Turner reported on behalf of Interim Chief Louis:

-- After a retirement next week will have 155 sworn, including 5 in academy and 4 in training. 15 officers eligible to retire now, 15 more eligible in 2 years. 51 of current sworn are eligible to retire within 5 years.

-- Been working with City Manager on proposals related to Reimagining Public Safety.

-- Initial submittal under Police Equipment & Community Safety Ordinance made for May 10 Council meeting; included PAB's letter on impact statements. Chief will send the first annual Use Reports when ready.

-- This is National Telecommunications Week, recognizing dispatchers, who work, often unseen, to keep community safe

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 – Heard with #10.b.
- b. Director Search – Heard with #9.b. and #10.a.
- c. Regulations – Chair Chang: Met March 31 and April 12. Next meeting April 21.
- d. Mental Health Issues (Response and Crisis Stabilization). Chair Levine: Continuing to postpone; nothing to report.
- e. Policy 351, Fixed Surveillance Cameras. Meeting to be scheduled.
- f. PAB Budget Proposal – Heard with #9.c.

9. OLD BUSINESS (discussion and action)

- a. Review Policy 319, Hate Crimes, as requested by City Council.

Motion to approve Policy 319 with addition of the following language in Section 319.1.1 following (c) Nationality, “(which includes country of origin, immigration status, including citizenship, and national origin.)”

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

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

Noes: None

Abstain: None

Absent: None

- b. Consider ways to contribute to the hiring and selection of the permanent Director of Police Accountability and the Police Accountability Investigator.

(Heard with #10.a.)

Chair Chang **recused** himself from the discussion of the combined items.

Motion to authorize the Director Search Subcommittee to draft a letter on behalf of the Board clarifying the timeline for, and role of, the Board in recruiting and hiring the permanent Director of Police Accountability.

Moved/Second (Mizell/Moore)

Friendly amendment: to authorize Board member Levine to direct these clarifying questions to Deputy City Manager Bellow and, if her answers are insufficient, to have the Subcommittee draft the letter for the Board’s approval at its next meeting.

Moved by Levine, accepted by Mizell and Moore

Motion, as amended, Carried

Ayes: Calavita, Harris, Leftwich, Levine, Mizell, Moore.

Noes: Ramsey

Abstain: Owens

Absent: None

Motion to close discussion on input regarding hiring of the Police Accountability Investigator and take no further action tonight.

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

Ayes: Calavita, Harris, Leftwich, Moore, Owens, Ramsey.

Noes: Levine

Abstain: Mizell

Absent: None

- c. Approve letter to City Council regarding Police Accountability Board budget and authorize Chair or other Board member to represent the PAB before the Budget Subcommittee.

Motion to authorize Board member Levine and Interim Director Lee to edit the draft letter in the packet and send it to the City Council.

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

10. NEW BUSINESS (discussion and action)

- a. Request that the Byers Group replace the photographs in the recruitment brochure for the Director of Police Accountability.

(Heard with #9.b.) Discussed; no action.

- b. Review proposed revisions to Early Warning System Policy (General Order E-13 / Policy 1041) and Consent to Search form.

Discussed; no action.

- c. Review proposed changes to Policy 311.6, Warrantless Searches of Individuals on Supervised Release Search Conditions and decide how to respond.

Motion to send a letter to the Council to recommending against the proposed change and keep the policy as is, citing the PRC's time spent and collaboration with the Police Department; ask the Interim Director to attend the Public Safety Policy Committee meeting to convey this; and authorize Board member Calavita to represent the PAB before City Council, as a panelist if she is permitted.

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

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

Noes: None

Abstain: None

Absent: None

- d. Authorize the Chair and Interim Director to prepare and issue a public statement regarding the unfair practice charge filed by the Berkeley Police Association.

Motion to authorize the Chair and Interim Director to prepare and distribute a public statement in the tone and along the lines discussed by the Board.

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

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

Noes: None

Abstain: None

Absent: None

- e. Consider requesting that the City Council endorse Assembly Bill 2557, Ensuring Transparency in Police Oversight Act.

Postponed to the next meeting.

- f. Discuss how to prioritize the work of the Police Accountability Board and the Director of Police Accountability; and conduct the prioritization process.
Postponed to the next meeting.

11. PUBLIC COMMENT

4 speakers.

12. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Second (Calavita/Owens) **By general consent, the meeting was adjourned at 10:55 p.m.**