



POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA
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](#))

Meeting Recording: <https://youtu.be/NxHuuzJkFQQ>

Minutes

1. CALL TO ORDER AND ROLL CALL (2 MINUTES)

Present: Board Member John Moore (Chair).
Board Member Leah Wilson (Vice-Chair)
Board Member Regina Harris
Board Member Kitty Calavita
Board Member Juliet Leftwich
Board Member Brent Blackaby¹
Board Member Joshua Cayetano
Board Member Alexander Mozes

Absent: None.

ODPA Staff: Hansel Aguilar, Director of Police Accountability

¹ Board Member Blackaby joined the meeting shortly after roll call.

BPD Staff: Jayson Wechter, Investigator
Jose Murillo, Program Analyst
Keegan Horton, Investigator
Michelle Verger, Policy Analyst
Cpt. Tate
Lt. Montgomery

CAO Staff: Iris Mattes, Deputy City Attorney

CMO Staff: Dr. Carianna Arredondo, Assistant to the City Manager

2. APPROVAL OF AGENDA (2 MINUTES)

Motion to approve the agenda, with Item 10 "Legislative Updates" being presented after Item 11.e.

Moved/Second (Wilson/Harris) Motion carries.

Ayes: Calavita, Cayetano, Harris, Leftwich, Moore, Mozes and Wilson.

Noes: None. Abstain: None. Absent: Blackaby

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.

1 Physically Present Speaker.

0 Virtually Present Speakers.

4. APPROVAL OF MINUTES (5 MINUTES)

a. Minutes for the Regular Meeting of February 7, 2024

Motion to approve the minutes for the PAB's February 7th, 2024 Regular Meeting.

Moved/Second (Blackaby/Leftwich) Motion carries.

Ayes: Blackaby, Calavita, Cayetano, Harris, Leftwich, Mozes and Wilson.

Noes: None. Abstain: Moore. Absent: None.

5. ODPa STAFF REPORT (10 MINUTES)

Director Aguilar provides updates on staffing, training opportunities, and the ODPa's participation in the 2024 Berkeley Juneteenth Festival on Sunday, June 16, 2024.

6. CHAIR AND BOARD MEMBERS' REPORTS (10 MINUTES)

Chair Moore reports that he and Director Aguilar met with the newly formed UC Berkeley Police Accountability Board.

Board Member Harris announces that she is attending her last meeting before stepping down from the Board.

7. CHIEF OF POLICE'S REPORT (TBD)

Captain Tate reports on cases of interest, provides updates on staffing and recruitment/retention, and provides updates to PAB requests. She fields questions from Board Members.

8. DISCUSSION REGARDING THE CITY MANAGER'S IMPLEMENTATION OF THE CITY COUNCIL'S DIRECTIVE TO REVISE THE EARLY INTERVENTION SYSTEM POLICY OF THE BERKELEY POLICE DEPARTMENT (CAYETANO) – (20 MINUTES)

Motion to establish a subcommittee focused on Early Intervention System.

Moved/Second (Calavita/No Second) Motion failed.

Motion to accept recommendations 1 and 4 as presented in Board Member Cayetano's memo titled "Establishing an Effective Early Intervention System as Directed by the City Council" is correct.

Moved/Second (Wilson/Mozes) Motion carries.

Ayes: Blackaby, Calavita, Cayetano, Harris, Leftwich, Moore, Mozes and Wilson.

Noes: None. Abstain: None. Absent: None.

9. SUBCOMMITTEE REPORTS (TBD)

Activity reports are provided by the following subcommittees: Body-Worn Camera Subcommittee, Budget Subcommittee, Lexipol Subcommittee, and Commendations Subcommittee.

10. LEGISLATIVE AND POLICY UPDATES (25 MINUTES)

The item was postponed due to time constraints after initially being rescheduled to follow item 11.e.

11. NEW BUSINESS (Discussion and Action) (1 HOUR 5 MINUTES))

- a. Approval of the 2024 PAB Strategic Planning Session Retreat Agenda (LEFTWICH) – (5 MINUTES)

The board did not provide any further feedback on the agenda.

- b. Discussion and action regarding the City Council’s directive to the City Manager to engage with the PAB on the proposal for additional security cameras, seeking feedback, and the PAB’s response. (BLACKABY) - (15 MINUTES)

Motion to strike recommendations 1 and 3 in order to add more details to the data recommendations, and to reframe the introduction to be responsive to the City Council’s directive to the City Manager to engage with the PAB on the proposal for additional security cameras, and to transmit that correspondence to Council with final approval to be done by the Chair.

Moved/Second (Blackaby/Cayetano) Motion carries.

Ayes: Blackaby, Calavita, Cayetano, Harris, Leftwich, and Moore.

Noes: Wilson and Mozes. Abstain: None. Absent: None.

Motion to reconsider the vote.

Moved/Second (Blackaby/Calavita) Motion carries.

Ayes: Blackaby, Calavita, Cayetano, Harris, Leftwich, Moore, and Mozes.

Noes: Wilson. Abstain: None. Absent: None.

Motion to strike recommendations 1 and 3 in order to add more details to the data recommendations, and to reframe the introduction to be responsive to the City Council’s directive to the City Manager to engage with the PAB on the proposal for additional security cameras, and to transmit that correspondence to Council with final approval to be done by the Chair, with the friendly amendment to rephrase recommendation 1 and move it to the end of the recommendation section.

Moved/Second (Blackaby/Mozes) Motion carries.

Ayes: Blackaby, Calavita, Cayetano, Harris, Leftwich, Moore, and Mozes.

Noes: Wilson. Abstain: None. Absent: None.

- c. Discussion and action regarding the Director of Police Accountability’s observations and considerations for the PAB’s review of Council Item 16. “Zoning Amendments for Berkeley Business; Amending Berkeley Municipal Code Title 23” (ODPA) – (15 MINUTES)

Motion to flag to the City Council and City Attorney the potential issues with the proposed changes to the Zoning Amendments for Berkeley Business, amending Berkeley Municipal Code Title 23, so that they may confirm the legality of reducing the role of police in public safety checks for businesses intending to sell alcohol.

Moved/Second (Blackaby/Mozes) Motion carries.

Ayes: Blackaby, Calavita, Cayetano, Harris, Leftwich, Moore, Mozes, and Wilson.

Noes: None. Abstain: None. Absent: None.

- d. Discussion and action regarding the review of the BPD's 2023 Annual Report on Police Equipment and Community Safety Ordinance as mandated by BMC 2.100.050 "Reports on the Use of Controlled Equipment" (ODPA) – (15 MINUTES)

After initial deliberation, the Board decided to bring back the item to a future meeting for further review.

- e. Discussion and action regarding the PAB's potential issuance of records subpoenas for records pertinent to the completion of the "Policies and Practices relating to the Downtown Task Force and Bike Unit Allegations" subcommittee's work." (MOORE) – (15 MINUTES)

Motion to issue a subpoena requesting the documents listed in the Director of Police Accountability's memorandum titled "Records pertinent to the completion of the 'Policies and Practices relating to the Downtown Task Force and Bike Unit Allegations' subcommittee," and further, that the Police Accountability Board empower the Director of Police Accountability to issue the subpoena on their behalf.

Moved/Second (Wilson/Cayetano)

Ayes: Blackaby, Calavita, Cayetano, Harris, Leftwich, Moore, and Wilson.

Noes: None. Abstain: None. Absent: None.

12. 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.

1 Physically Present Speaker.

0 Virtually Present Speakers.

13. CLOSED SESSION

CLOSED SESSION ITEMS

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 act on the following matter(s):

Item 13.a.1-13.a.10

Director Aguilar provides case updates to the Board.

END OF CLOSED SESSION

14. ANNOUNCEMENT OF CLOSED SESSION ACTIONS (1 MINUTE)

Chair Moore announces the closed session actions.

15. ADJOURNMENT (1 MINUTE)

Motion to adjourn.

Moved/Second (Harris/Cayetano) The meeting was adjourned at 9:40 PM by unanimous consent.

Minutes Approved on: March 13, 2024

Hansel Aguilar, Commission Secretary:  _____