



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
MINUTES
(approved)

Wednesday, October 27, 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)
Board Member Kitty Calavita
Board Member Regina Harris
Board Member Juliet Leftwich
Board Member Deborah Levine
Board Member Nathan Mizell
Board Member John Moore
Board Member Cheryl Owens

Absent: None

ODPA Staff: Katherine J. Lee, Interim Director of Police Accountability

BPD Staff: Lt. Rob Rittenhouse

2. APPROVAL OF AGENDA

Motion to approve the agenda as revised to postpone Items #9.e. - Policy Complaint #7, and #11 - Administrative Closure in Complaint #3.
Moved/Second (Chang/Leftwich) **Motion Carried by general consent.**

3. PUBLIC COMMENT

There were 3 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of October 13, 2021
Moved/Second (Leftwich/Harris) **Motion Carried by general consent.**

5. CHAIR'S REPORT

Chair Ramsey reported:

- He and the Director met with the City Attorney re holding a closed session; general legal support; executive summaries.
- Board member training: Reminder to sign up for ride-alongs. Possible special meeting of the Board Nov. 17 for training.

Board member Calavita reported on the Police Chief search: She is on the steering committee for the police chief search; they met last week and are evaluating recruitment firms.

Board member Mizell reported on Reimagining Public Safety Task Force: Met at 5:00 p.m. this evening. Focused on how to respond to NICJR draft report, to be released Friday. Two more Task Force meetings: Nov. 18 and Dec. 2.

6. DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT

The Interim Director reported:

- One new complaint filed since your last meeting. Still awaiting decision on one Caloca appeal. Had hearing on second Caloca appeal last week.
- At Nov. 10 meeting, will be bringing "Findings and Recommendations" on a complaint to the Board for the first time.
- Another new Charter provision requires BPD to send the DPA a copy of a letter of disposition to a complainant who files with them, but not our office. Letter advises complainant that if no findings are sustained, they may contest the decision to the DPA.
- Tomorrow night, Chair Ramsey and I will be on a panel sponsored by the League of Women Voters of Berkeley, Albany, Emeryville with representatives from Albany and Emeryville, to talk about police reform in our respective cities.
- Investigator Norris recently trained nine Berkeley Law student participants in a program where they will represent complainants who wish to use their services.
- PAB's Standing Rules must go to Council for approval.
- Training: possible Nov. 17 special meeting.

7. CHIEF OF POLICE'S REPORT

Lt. Rittenhouse reported on behalf of Chief Louis:

- Annual crime report presented to Council Oct. 19; included Use of Force report, stop data, and report on Fair & Impartial Policing recommendations.
- Case of interest -- arrests of two people connected to West Berkeley gun violence. Also seized several weapons.
- Community engagement: 1) Dept. members participated in community meeting with Councilmember Wengraf. 2) Today, BPD presentation on de-escalation concepts to BHS law and social justice class.

- Staffing: Currently 154 sworn, which include 3 in Academy graduating in December, and 3 who started this week. Currently recruiting.
 - Training: Officers continue to complete the 4-hour update training on fair and impartial concepts, and 4 more officers completed 40-hour CIT training.
- Lt. Rittenhouse 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 – met Oct. 21. Discussed importance of EIS. Prioritized new consent forms for searches, and business cards w/ info on how to file complaint/commendation.
- b. Director Search. Interim Director reported the contract with the recruiter not signed yet. She was asked to schedule a subcommittee meeting.
- c. Regulations – next meeting Nov. 2 at 6:30 p.m.

9. OLD BUSINESS (discussion and action)

- a. Question 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.

Discussed; no action.

- b. Status of memo from City Attorney’s office regarding lawful changes to hearing process to correct imbalances.

Discussed; no action.

- c. City Attorney conflict-of-interest issues.

Discussed; no action.

- d. Affirm or revise permanent Standing Rules for the Board’s conduct of business.

By general consent, the Board approved changes to: Section G.3., on policy complaints and reviews; Section I on elections; and Section K on Mutual Aid Agreements; and minor corrections to Section J, appointment of members of the public to subcommittees.

Motion to approve the Standing Rules as revised. [And attached to these minutes.]

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

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

Noes: None

Abstain: None

Absent: None

- e. Policy complaint – Determine how to proceed on policy Complaint #7.
Postponed to the next meeting.

10. NEW BUSINESS (discussion and action)

- a. Revision of Policy 425, Body Worn Cameras, to broaden access by PAB and ODPa.
Discussed; continued to the next meeting.
- b. Consider letter to Police Chief requesting that she appear before the PAB to give a detailed progress report on implementation of the City Council’s mandates regarding Fair & Impartial Policing, and to request collaboration as the Early Intervention System policy is being developed.

Motion to finalize and send the letter as drafted.

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

- c. Training: CIT - An Officer’s Experience With People in Crisis.
Lt. Rob Rittenhouse made a presentation.

11. PUBLIC COMMENT

There was 1 speaker.

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

Postponed to the next meeting.

13. CONSIDER RECOMMENDATION FOR ADMINISTRATIVE CLOSURE OF COMPLAINT #8

Motion to approve Complaint for administrative closure.

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

14. CONSIDER RECOMMENDATION FOR ADMINISTRATIVE CLOSURE OF COMPLAINT #9

Postponed to the next meeting.

End of Closed Session

15. ANNOUNCEMENT OF CLOSED SESSION ACTION

The vote to administratively close Complaint #8 was announced.

16. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Second (Mizell/Leftwich) **By general consent, the meeting was adjourned at 10:07 p.m.**