



OFFICE OF THE DIRECTOR  
OF POLICE ACCOUNTABILITY

**POLICE ACCOUNTABILITY BOARD**  
**SPECIAL MEETING**  
**MINUTES**  
*(approved)*

**Wednesday, January 5, 2022, 7:00 P.M.**

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

**1. CALL TO ORDER & ROLL CALL BY CHAIR RAMSEY AT 7:00 P.M.**

Present: Board Member Ismail Ramsey (Chair)  
Board Member Michael Chang (Vice-Chair) (left 8:20 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

Absent: Board Member Nathan Mizell

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

BPD Staff: None

**2. APPROVAL OF AGENDA**

**Motion to approve the agenda as modified to move Item #7 to the public portion of the meeting**  
**Moved/Second (Calavita/Harris) Motion Carried by general consent**

**3. PUBLIC COMMENT**

1 speaker.

7. **DECIDE WHETHER TO OPEN COMPLAINT IN THE MATTER OF STEPHEN GAINES'S DEATH AT ALTA BATES HOSPITAL ON AUGUST 13, 2021**

**Motion to initiate an investigation into whether there was a violation of the Use of Force policy in connection with the death of Stephen Gaines at Alta Bates Hospital.**

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

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

Noes: None

Abstain: None

Absent: Mizell

**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):

4. **CONSIDER FINDINGS AND RECOMMENDATIONS OF INTERIM DIRECTOR IN COMPLAINT #1 AND DECIDE WHETHER A HEARING IS NEEDED** (continued from December 8, 2021 meeting)

**Motion to accept staff's recommendation in all three allegations.**

Moved/Second (Calavita/Harris)

**Substitute motion to reject staff's recommendations in Allegation #1 and #3, and instead make findings of unfounded on those allegations; and affirm staff's finding of unfounded in Allegation #2.**

Moved/Second (Levine/Ramsey) **Motion Failed**

Ayes: Levine, Ramsey

Noes: Calavita, Harris, Leftwich, Moore, Owens

Abstain: None          Absent: Chang, Mizell

**On the original motion, to accept staff's recommendation on all three allegations.**

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

Ayes: Calavita, Harris, Leftwich, Moore, Owens

Noes: Levine, Ramsey          Abstain: None          Absent: Chang, Mizell

**Motion to accept Interim Director's recommendation of discipline in Allegation #1**

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

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

Noes: Levine          Abstain: Ramsey          Absent: Chang, Mizell

5. **CONSIDER FINDINGS AND RECOMMENDATIONS OF INTERIM DIRECTOR IN COMPLAINT #3 AND DECIDE WHETHER A HEARING IS NEEDED**

**Motion to conduct further fact-finding in a confidential personnel hearing**

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

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

Noes: None

Abstain: None

Absent: Chang, Mizell

**6. CONSIDER RECOMMENDATION FOR ADMINISTRATIVE CLOSURE OF COMPLAINT #10**

**Motion to approve director's recommendation for administrative closure of this complaint, and modify wording of notice to complainant.**

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

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

Noes: None

Abstain: None

Absent: Chang, Mizell

**End of Closed Session**

**7. ANNOUNCEMENT OF CLOSED SESSION ACTION**

The votes to: accept staff's recommendation in Complaint #1; hold a hearing in Complaint #3; and administratively close Complaint #10 were announced.

**8. ADJOURNMENT**

**Motion to adjourn the meeting.**

Moved/Second (Owens/Moore) **By general consent, the meeting was adjourned at 9:33 p.m.**