



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
MINUTES
(approved)

Wednesday, March 9, 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)
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
- BPD Staff: Lt. Rob Rittenhouse

2. APPROVAL OF AGENDA

Motion to approve the agenda as modified to postpone Item #10. a. i) and to hear Item #10.c. before Item #10.b.
Moved/Second (Calavita/Ramsey) Motion Carried by general consent.

3. PUBLIC COMMENT

7 Speakers.

4. APPROVAL OF MINUTES

- a. Special meeting of February 23, 2022.

Motion to approve Special Meeting Minutes.

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

b. Regular meeting of February 23, 2022.

Motion to approve Regular Meeting Minutes.

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

5. CHAIR AND BOARD MEMBERS' REPORTS

Chair Chang. no report.

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

Board member Mizell reported on Reimagining Public Safety Task Force: Tomorrow at 6:00 p.m. having special meeting City Council to consider NICJR report and Task Force response. After that, task force is defunct but he will continue to informally monitor progress.

6. DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT

The Interim Director reported:

-- No new complaints filed since the last meeting. Closed one complaint following a mediation.

-- Four solid applicants for temporary investigator forwarded from HR for interviews, being conducted this week.

-- Training for new website happening this week.

-- City Auditor's report on use of police overtime will present to the Budget Committee tomorrow and to Council March 22.

-- Council approved [ratified] PAB Standing Rules last night. Director will need to start publicity for public members to apply to be on PAB subcommittees.

-- Council heard report on implementation of Fair & Impartial Policing recommendations. PAB-Director should have formal role in presenting due to

-- Been working on budget proposal.

-- Aware of incident that occurred at the Berkeley Drop-In Center and heard Mayor say he will be meeting with Chief and affected parties.

The Interim Director answered questions from Board members.

7. CHIEF OF POLICE'S REPORT

Lt. Rittenhouse reported on behalf of Interim Chief Louis:

-- 3 shootings occurred since last PAB meeting: March 4 – man killed by gunfire; investigation led to arrest of 2 suspects March 8; DA charged them today. Feb. 24 - a teen was shot on 1800 block Oregon Street; suspects still at large. Feb. 25 – near George Brown Park, single gunshot; no injuries or victims.

-- Arrested a suspect in a 2021 shooting at 10th & Addison.

-- Training: CALICO (Child Abuse Listening, Interviewing & Coordination) Center will present briefing to patrol teams on speaking with juvenile victims.

-- Chief made a conditional hire last week. Currently 148 fully solo officers. Also, 3 in Field Training; 3 graduating from academy in May; 2 to be sent to academy.

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 – Chair Calavita: met March 2; next meeting March 16. Received BPD's proposed EIS policy and draft Search Consent form; subcommittee working on revisions for PAB approval. Dismayed we weren't asked to be present as a panelist during Chief's report on FIP implementation to Council, as monitoring was assigned to PAB. Would have had comments on limits on probation & parole searches that we worked on.
- b. Director Search – Chair Levine: met several times after speaking to Deputy City Manager LaTanya Bellow, and worked on edits to the recruitment brochure submitted Monday morning.
- c. Regulations – Chair Chang: met Feb.22; next meeting March 10 at 7:00 p.m. Hope to be done within 2 more meetings.
- d. Mental Health Response (Policy Complaint #7) – Board member Levine: should have time to schedule a meeting now.
- e. Policy 351, Fixed Surveillance Cameras – meeting to be scheduled.
- f. PAB Budget Proposal – Chair Owens: met March 1. Office needs not only to be fully staffed with 4 people but recommending adding a position – senior level policy analyst, as well as office space, computer, etc. for that person. Also need consultant for policy and legal support. Will return with draft statement to Council in support of budget.

9. OLD BUSINESS (discussion and action)

- a. Review Policy 319, Hate Crimes, as requested by City Council.
Postponed to the next meeting.

10. NEW BUSINESS (discussion and action)

- a. Consider requests from the Fair & Impartial Policing Implementation Subcommittee.
 - i) Request that the Board seek an opinion from the City Attorney regarding the PAB's access under the Charter to internal documents necessary for the PAB to fulfill its functions.

Postponed.

- ii) Authorize Chair Chang, FIP Subcommittee Chair Calavita, and FIP Subcommittee member Ramsey to meet with Mayor Arreguin and Councilmember Harrison to discuss difficulties in overseeing implementation.

Motion to authorize Chair Chang, Fair & Impartial Policing Subcommittee Chair Calavita, and FIP Subcommittee member Ramsey to meet with Mayor Arreguin and Councilmember Harrison to discuss difficulties in overseeing implementation.

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

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

Noes: None

Abstain: None

Absent: None

- b. Review Police Equipment & Community Safety Ordinance Impact Statements.
Postponed to a future meeting.
- c. Consider request from Mental Health Commission to collaborate on using local crisis stabilization as an alternative to sending individuals with mental health concerns to Santa Rita or John George.

Motion for the Mental Health subcommittee to expand jurisdiction to include the subject of crisis stabilization.

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

- d. BPD's response to distribution of anti-Semitic hate flyers in Berkeley.
Discussed; no action.
- e. Discuss continuation of meetings held via teleconference and videoconference.
Discussed; no action.

11. PUBLIC COMMENT

0 speakers.

Closed Session

The Board will convene in closed session to meet concerning the following:

12. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9. One potential case.

Motion to announce that the City Attorney has determined that no Brown Act violation occurred.

Moved/Second (Ramsey/Harris)

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

Noes: None

Abstain: None

Absent: None

13. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Designated representatives: Katherine Lee; Interim Director of Police Accountability; Timothy L. Davis, Labor Negotiator

Employee organization: Berkeley Police Association

Discussed; no action.

End of Closed Session

14. ANNOUNCEMENT OF CLOSED SESSION ACTION

Chair Chang announced as to Item #12 that the City Attorney determined there was no Brown Act violation.

15. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Second (Leftwich/Calavita) By general consent, the meeting was adjourned at 11:06 p.m.