



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

A handwritten signature in black ink, appearing to read "Jose Murillo".

POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
MINUTES
(approved)

Tuesday, October 25, 2022, 7:00 P.M.

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

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

Present: Board Member John Moore (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 Cheryl Owens
Board Member Ismail Ramsey

Absent: None.

ODPA Staff: Hansel Aguilar, Director of Police Accountability
Beneba Thomas, DPA Investigator
Jose Murillo, Associate Management Analyst

BPD Staff: Interim Police Chief Jennifer Louis
Lt. K. Reece

2. APPROVAL OF AGENDA

Motion to approve the agenda as amended.

Amendments: Remove items 8.a; Table Item 9.a to November 9th Meeting.

Moved/Second (Calavita/Leftwich) **Motion Carried by General Consent**

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

Noes: None

Abstain: None

Absent: None

3. PUBLIC COMMENT

8 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of October 12, 2022

Moved/Second (Leftwich/Levine) **Motion Carried.**

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

Noes: None

Abstain: None

Absent: None

5. ODPa STAFF REPORT

Director Aguilar reports that he has inquired about the PAB receiving city of Berkeley emails to ensure that sensitive documents are secure.

Management Analyst Murillo provides updates as to the action items discussed last week. He reported that ODPa staff is working on uploading past PRC annual reports and has been organizing data for the production of 2021 & 2022 annual reports. Lastly, he provided a status update as to various policy topics that have been presented to the Board and ODPa (See Page 11-14 of the Agenda Packet).

6. CHAIR AND BOARD MEMBERS' REPORTS

Chair Moore reported that he appreciates the efforts of ODPa and the Board. Emphasizes the importance of making sure that all Board positions are filled so the Board is at full strength.

Board member Leftwich clarified her proposed idea of an ODPa/PAB gathering.

Board member Ramsey stated that he appreciates Berkeley Law student involvement with the PAB. Notes that the PAB and Berkeley Law's Police Review Project may not always agree.

Vice-Chair Mizell notes that relationship building is important in the work of the PAB and supports proposal for a ODPa/PAB social gathering to encourage relationship building. On a separate topic, he provided notice that the City Council would convene for a closed session the following Friday (October 28, 2022) for the consideration of the appointment of the City's next Police Chief.

7. CHIEF OF POLICE'S REPORT

Interim Chief Louis provided BPD staffing updates and reported on an arrest made by BPD of a man who had allegedly followed a 12-year-old girl as she was leaving school. Chief Louis also reported on the rise of catalytic converter thefts and the most recent information on the matter. In response to a public comment, Chief Louis elaborated on the usage of Alameda County Sheriff drones at the Solano Avenue Stroll in September. She clarified that BPD had not requested the drones and that the request originated Albany PD. She proceeded to answer Board member questions on the topic which would be considered in the discussion of Item 11.a.

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. Regulations Subcommittee – see Item #9. a. below. (Look at 9-14-22 PAB packet, pp 13-35.).
 1. Discussion regarding the possibility of adding another PAB member to the Regulations subcommittee and referring the regulations back the subcommittee.

Item 8.a. removed from the agenda by general consent.

- b. Controlled Equipment Subcommittee. (Welcome more Board members to join.)
Chair Moore encouraged more PAB members to join. Board member Owens states that she would be interested after finalization of permanent regulations.
- c. Police Chief Process (ad hoc) Subcommittee
There will be a city council closed session on Friday, 10/28 to discuss the new Police Chief.

9. OLD BUSINESS (discussion and action)

- a. Finalize review of draft proposed permanent Regulations for Handling Investigations and Complaints.

Item 9.a. tabled to the next regular meeting by general consent.

10. PUBLIC COMMENT REGARDING AGENDA ITEM 11.A.

- a. Public Comment for item 11.a.
2 speakers (Complainant and a member of the public)

11. NEW BUSINESS (discussion and action)

- a. Discussion on Policy Complaint #31 regarding BMC 2.99 and BPD Policy 1106 – Special Order 2020-0006

Motion to initiate a fact-finding inquiry as to the usage of drones during the September 10th “Solano Stroll Event” on Salona Avenue.

Note: This motion is not to accept the policy complaint nor does it reject. The Board would like to first determine the correct sequence of actions leading up to the events of the complaint before formally initiating a policy review

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

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

Noes: Owens, Ramsey. Abstain: None Absent: None

b. Discussion regarding PAB member stipends (Cheryl Owens)

Board member Owens inquired about the tracking of stipends and training hours. She would appreciate if staff could notify the PAB before stipends are due to provide the opportunity for members to update any training hours. The intention is to help board members stay up to date on stipend amounts and training hours.

c. Discussion regarding the policy priorities of the Board

The Board wishes for policy reviews that involve a death to be prioritized. Would like to see more completed policy reviews. Management Analyst asks the PAB what they envision the final work product would be. The Board suggest a report that includes a description of the incident that inspired the policy review, an analysis of the policy, if there have been similar events elsewhere, and any recommendations as to the policy.

d. Discussion on a proposed closed session discussion regarding the City Attorney's analysis of PAB Authority

Board members expressed their concerns about not being able to discuss attorney-client privileged memos as a group. Board member Ramsey stated that board members are allowed to discuss publicly their individual understandings of the law, but may not disclose privileged communications with the City Attorney's office. DCA Chang agreed with the statement.

12. PUBLIC COMMENT

3 speakers.

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):

13. PRESENTATION OF ADMINISTRATIVE CLOSURE OF COMPLAINT #23

Motion to administratively close complaint #23.

Moved/Second (Mizell/Leftwich) **Motion Carried.**

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

Noes: None

Abstain: None

Absent: None

14. PRESENTATION OF ADMINISTRATIVE CLOSURE OF COMPLAINT #24

Motion to administrative close Complaint #24

Moved/Second (Owens/Leftwich) **Motion Carried.**

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

Noes: None

Abstain: None

Absent: None

15. DISCUSSION REGARDING COMPLAINT #19

Motion to close complaint #19 and continue the existing policy review initiated at the July 27, 2022 regular meeting.

Moved/Second (Owens/Leftwich) **Motion Carried.**

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

Noes: None

Abstain: None

Absent: None

END OF CLOSED SESSION

16. ANNOUNCEMENT OF CLOSED SESSION ACTION

The decision to administratively close complaints #23 and #24 was announced. The decision to close complaint #19 and continue the existing policy review was announced.

17. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Second (Owens, Calavita) **By general consent, the meeting was adjourned at 10:38 p.m.**