

POLICE ACCOUNTABILITY BOARD
REGULAR MEETING MINUTES

Wednesday, June 21, 2023

Board Members:

JOHN MOORE III. (CHAIR)
KITTY CALAVITA

JULIE LEFTWICH

REGINA HARRIS (VICE-CHAIR)
LEAH WILSON

MEETING LOCATION

North Berkeley Senior Center
1901 Hearst Avenue
Berkeley, CA 94709

Meeting Minutes

1. CALL TO ORDER & ROLL CALL

Present: Board Member John Moore (Chair)
Board Member Regina Harris (Vice-Chair)
Board Member Kitty Calavita
Board Member Juliet Leftwich
Board Member Leah Wilson

Absent: None

ODPA Staff: Hansel Aguilar, Director of Police Accountability
Jose Murillo, Policy Analyst
Jayson Wechter, Investigator

BPD Staff: Captain Durbin
Leutenant Reece

CAO Staff: James Chang

2. APPROVAL OF AGENDA

Motion to table item 11.d. to the next PAB Regular Meeting.

Moved/Second (Leftwich/Harris) Motion carried by unanimous consent.

Motion to approve the agenda.

Moved/Second (Harris/Calavita) Motion carried by unanimous consent.

3. PUBLIC COMMENT

0 Speakers.

CLOSED SESSION	
4. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6 (20 MINUTES)	
Negotiator: Tim Davis, Burke, Williams & Sorensen, LLP	
Employee Organization: Berkeley Police Association	
END OF CLOSED SESSION	

5. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

No reportable action taken.

6. APPROVAL OF MINUTES

Motion to approve the PAB's Regular Meeting Minutes for June 7, 2023.

Moved/Second. (Leftwich/Calavita) Motion carried by unanimous consent

7. ODPa STAFF REPORT

Director Aguilar provided a report on the following items:

- Staff attended a webinar organized by the California Civilian Oversight Alliance (CCOA) on June 13th. The webinar focused on training resources and included information about the internship program ran by the Department of Police Accountability in San Francisco, CA.
- Staff and Board Members were present at the Juneteenth Festival on June 18th. The event had a strong turnout and there was significant interest in the PAB & ODPa booth.
- A status update on the surveillance technology policies reviewed by the PAB and presented to the City Council and Public Safety Policy Committee. The ALPR policies which were last reviewed by the Board at their June 16 Special Meeting will be forwarded to the Council with a qualified positive recommendation. The BPD and PAB were tasked to work together in addressing the remaining issues in the policies.
- Director Aguilar provides staff updates. Informs the Board that interviews for the Associate Management Analyst vacancies have taken place. He further notes that the a staff member will be retiring soon.
- A report on the status of the ODPa's relocation. The ODPa has identified a location that satisfies the needs of the office.

8. CHAIR AND BOARD MEMBERS' REPORTS

Chair Moore reports on the following:

- Chair Moore takes a moment to acknowledge Former Berkeley Mayor Eugene "Gus" Newport who passed on June 17th. He takes the moment to acknowledge all of the late mayor's work for the City of Berkeley and its community.
- Chair Moore takes a moment to thank the Board members and staff who supported in the Juneteenth outreach event.
- Chair Moore takes a moment to thank Board member Calavita and ODPa staff who made themselves available to present to the Public Safety Policy Committee on June 20th.
- Chair Moore request that the ODPa reaches out to the Council members who have not appointed a Board member yet in order to obtain a status update on their appointment.

Board member Wilson reported:

- Stated that she appreciates the quick work on behalf of the Board and staff to arrange a special meeting and present to the Public Safety Policy Committee on ALPRs.

9. CHIEF OF POLICE'S REPORTS

Captain Durbin, on behalf of Chief Louis, reports the following:

- One new academy recruit has joined the Department and two more are set to graduate the academy. The number of officers is still at 149 sworn personnel.
- A dispatcher open house was held earlier in the month. There was a turn out of 20 potential dispatcher who may potentially help fill the 13 vacant positions. The BPD is currently authorized for 36 dispatcher with only 23 positions filled.
- Captain Durbin provides updates on several noteworthy cases that have emerged since the previous PAB meeting. Additionally, he shares information on current crime trends.
- On Friday, June 16th, the BPD held a memorial for the late Sgt. Jimmie Hugh Rutledge (End of Watch: June 16, 1973) who was the last BPD officer killed in the line of duty.
- The Traffic Bureau will be hosting classes on June 21 and 22 designed for Seniors called "Drive Safer, Drive Longer." They will be held at the North and South Berkeley Senior Centers.
- The Norther California Special Olympics torch run passed through the City of Berkeley on June 21. About 10 BPD officers participated in the run.

Questions & Answers:

- Q: Board Member Leftwich inquires about the BPD potentially hosting trainings for the Board and/or recommending trainings that the BPD believes would be beneficial for the Board to receive.

- A: The BPD will look into the matter and provide any helpful information.
- Q: Vice-Chair Harris asks if the department has noticed any additional patterns as it relates to the increase car thefts.
- A: The BPD's Transparency Hub may be able to provide additional information.

10. SUBCOMMITTEE REPORTS

a. Policies and Practices Relating to the Downtown Task Force and Bke Unit Allegations

- On June 14th, the subcommittee convened a meeting where they delved into multiple policies and explored potential modifications. The subcommittee is actively engaged in preparing an update for the Board, along with a series of proposals that will be presented in the coming weeks.

b. Body-Worn Camera Policy

- There were no significant updates to report.

c. Conflict of Interest

- There were no significant updates to report.

11. NEW BUSINESS

a. Adoption of Resolution recognizing Maritza Martinez for her 24 years of service to the City of Berkeley, during which she dedicated 22 years to supporting civilian oversight in Berkeley.

- Policy Analyst Murillo reads a statement prepared by Maritza Martinez highlighting her accomplishments throughout her careers and thanking the various individuals she worked with throughout her career.

Motion to adopt the resolution recognizing Maritza Martinez for her 24 years of service to the City of Berkeley, during which she dedicated 22 years to supporting civilian oversight in Berkeley.

Moved/Second (Leftwich/Wilson) Approved by Unanimous Consent.

b. Adoption of a resolution adopting NACOLE's Code of Ethics.

Motion to adopt the resolution adopting NACOLE's Code of Ethics.

Moved/Second (Wilson/Calavita) Motion Carried.

Ayes: Calavita, Harris, Leftwich, Moore, and Wilson

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

c. Consideration of the proposed procedures for the continuous review of commendations.

- No formal action was taken by the PAB as it relates to the proposed procedures for the continuous review of commendations.
- The Board requested that staff look into the existing award ceremonies by the BPD and BPA.

d. Review of commendation nominations for sworn officers of the Berkeley Police Department.

- The item was tabled for a future meeting.

e. Presentation of Policy Complaint No. 2023-PR-003

- The person filing the complaint is given a five-minute time slot to address the Board and present their concerns to both the Board and the members of the BPD present. The concerns raised pertain to the professional standards in dispatch, access to dispatch records, and the BPD's policy for property crimes in progress. The Board engages in a question-and-answer session with the complainant to gather more information about their concerns. For specific details, refer to the meeting recording between 1:09:00 and 1:20:00.

Motion to adopt accept Policy Complaint No. 2023-PR-003 and establish a subcommittee to review the policy concerns.

Moved/Second (Calavita/Wilson) Motion Carried.

Ayes: Calavita, Harris, Leftwich, Moore, and Wilson

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

- Vice-Chair Harris and Board Member Wilson are appointed to the newly established subcommittee.

f. PAB Charter, Rules, and Policies: Overview of PAB Roles and Responsibilities and Discussion of Needed Clarifications or Gaps.

- ODPA staff provides an overview presentation of the PAB's roles and responsibilities. A discussion is had on areas of needed clarifications or gaps as it relates to policy reviews.
- The Board request that the ODPA draft a proposal for more detailed policy review guidelines for the Board to consider.

12. PUBLIC COMMENT

1 Speaker.

- Speaker 1 (Former ODPa Director Lee): Welcomes Investigator Jayson Wechter to the ODPa and Board member Wilson to the PAB. She thanks the PAB and ODPa for their hard work. Specifically, she thanks the ODPa staff for their hard work in implementing hybrid meetings.

CLOSED SESSION	
13. PRESENTATION OF FINDINGS AND RECOMMENDATIONS REPORT CASE NO. 32	
Motion to Accept the ODPa’s Findings and Recommendations Report for Case No. 32 with modifications.	
Moved/Second (Wilson/Leftwich) Motion Carried.	
Ayes: Calavita, Harris, Leftwich, and Wilson	
Noes: Moore. Abstain: None. Absent: None.	
END OF CLOSED SESSION	

14. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

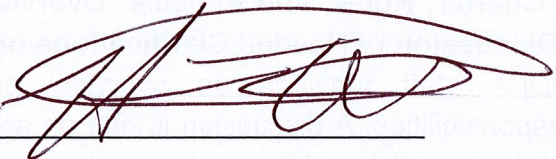
- Chair Moore reports that Director Aguilar presented a Findings and Recommendations Report to the PAB and that they voted to accept the report with modifications.

15. ADJOURNMENT

Motion to adjourn

Moved/Second (Harris/Wilson) Motion carried by unanimous consent.

The meeting was adjourned at 9:57 pm.

Minutes Approved on: 07/12/2023 

Hansel Aguilar, Commission Secretary: _____