



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING MINUTES
Wednesday, November 8, 2023
6:30 P.M.**

Board Members

John Moore III. (Chair)
Kitty Calavita
Brent Blackaby

Julie Leftwich
Joshua Cayetano

Regina Harris (Vice-Chair)
Leah Wilson
Alexander Mozes

MEETING LOCATION

North Berkeley Senior Center
1901 Hearst Avenue
Berkeley, CA 94709
([Click here for Directions](#))

Meeting Recording: <https://youtu.be/maRIJyoqJQY?si=OpjsRz6jVm2vzvcP>

Minutes

1. CALL TO ORDER AND ROLL CALL AT 6:30 PM

Present: Board Member John Moore (Chair)
Board Member Regina Harris (Vice-Chair)
Board Member Kitty Calavita
Board Member Juliet Leftwich
Board Member Leah Wilson
Board Member Brent Blackaby
Board Member Joshua Cayetano
Board Member Alexander Mozes

Absent: None.

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

BPD Staff: Chief Jen Louis

Lt. Reece
CAO Staff: James Chang, Deputy City Attorney
CMO Staff: Anne Cardwell, Deputy City Manager

2. APPROVAL OF AGENDA

Motion to modify the agenda to include the swearing-in of new Board Member Mozes.

Moved/Second (Moore/Calavita) Approved by unanimous consent.

Ayes: Blackaby, Calavita, Cayetano, Harris, Leftwich, Moore, and Wilson.

Noes: None.

Abstain: None.

Motion to approve the agenda.

Moved/Second (Calavita/Mozes) Approved by unanimous consent.

Ayes: Blackaby, Calavita, Cayetano, Harris, Leftwich, Moore, and Wilson.

Noes: None.

Abstain: None.

3. ADMINISTERING OATH OF OFFICE & CONFIDENTIALITY TO NEWLY APPOINTED BOARD MEMBER

Director Aguilar administers the Oath of Office & Confidentiality to Newly Appointed Board Member Mozes.

4. PUBLIC COMMENT

2 Physically Present

1 Virtually Present

5. APPROVAL OF MINUTES

Motion to approve the meeting minutes for the special meeting of October 25, 2023.

Moved/Second (Wilson/Blackaby)

Ayes: Blackaby, Calavita, Cayetano, Harris, Leftwich, Moore, Mozes, and Wilson.

Noes: None.

6. ODPa STAFF REPORT

Director Aguilar provides updates on training opportunities for Board members and introduces new staff. He includes an explanation of powers of the Board under the

charter, an update on the 50th anniversary of civilian oversight in Berkeley celebration, and updates regarding the NACOLE¹ conference.

Motion to allow Director Aguilar to proxy vote in NACOLE elections on behalf of the PAB and ODPa jurisdiction.

Move/Second (Moore/Blackaby)

Ayes: Blackaby, Calavita, Cayetano, Harris, Leftwich, Moore, Mozes and Wilson.

Noes: None.

7. CHAIR AND BOARD MEMBERS' REPORTS

Board Member Calavita is concerned that PAB does not have access to confidential information. Board Member Cayetano is also concerned with lack of oversight powers and lack of access to information.

8. CHIEF OF POLICE'S REPORT

Chief Louis reports on community-relevant cases, provides staffing updates and recruitment/retention, and addresses updates related to PAB requests. She fields questions from Board Members.

9. SUBCOMMITTEE REPORTS

- Conflict of Interest Subcommittee (Chair: Leftwich)
 - o Board member Wilson is appointed to the Conflict of Interest Subcommittee
- Body Worn Cameras Subcommittee (Chair: Harris)
 - o Board member Harris provides an update on the subcommittee's work.

Motion to Create Lexipol Policy Review Committee

Move/Second (Leftwich/Calavita)

Ayes: Blackaby, Calavita, Cayetano, Harris, Leftwich, Moore, Mozes, and Wilson.

Noes: None.

Volunteering members: Leftwich, Cayetano, Mozes

10. NEW BUSINESS

- a. Discussion regarding the budget overview by Deputy City Manager Cardwell
 - i. City of Berkeley Budget Overview by Deputy City Manager Cardwell

Deputy City Manager Cardwell provides a budget overview for the PAB.

¹ National Association of Civilian Oversight of Law Enforcement <https://www.nacole.org/>

- ii. Staff recommendations for ODPa Budget
- iii. Staff recommendations for PAB Budget
- iv. Staff observations and considerations for PAB review of the BPD Budget

Items ii. – iv.: Director Aguilar presents the Budget Frameworks presentation. In addition, Director Aguilar discusses budgeting and resourcing for DPA, and the relationship between DPA and the PAB is explained by the charter. Finally, comments are given by Board members on the budget process.

Motion to Create Budget Subcommittee

Move/Second (Wilson/Moore)

Ayes: Blackaby, Calavita, Cayetano, Harris, Leftwich, Moore, Mozes, and Wilson.

Noes: None.

Volunteering Members: Wilson, Blackaby

- b. Discussion and action on Policy Complaint No. 2023-PR-0008

Motion to Create an Off-Duty Conduct Committee

Move/Second: Wilson/Moore

Ayes: Blackaby, Calavita, Cayetano, Harris, Leftwich, Moore, Mozes, and Wilson.

Noes: None.

Volunteering Members: Harris, Cayetano

- c. Discussion on PAB member policy review procedures.

The Board discusses potential procedures for policy reviews led by PAB members.

- d. BPD Commendations

Board Member Blackaby proposes a process for the review of BPD commendations submitted to the PAB.

Motion to Adopt Board Member Blackaby’s proposed commendation review process.

Move/Second (Wilson/Moore)

Ayes: Blackaby, Calavita, Cayetano, Harris, Leftwich, Moore, Mozes, and Wilson.

Noes: None.

Volunteering Members: Wilson, Blackaby, Harris

11. PUBLIC COMMENT

2 Physically present speakers.

1 Virtually present speakers.

12. CLOSED SESSION at 9:10 PM

CLOSED SESSION ITEMS

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 act on the following matter(s):

Case Updates Regarding Complaints Received by the ODPa

Regarding Items 12.a. – 12.k.:

Director Aguilar provides case updates to the Board including the presentation of findings and newly accepted complaints.

Motion to hold a hearing for ODPa Complaint No. 2023-CI-0006

Moved/Second (Calavita/Leftwich)

Ayes: Blackaby, Calavita, Cayetano, Harris, Leftwich, Moore, Mozes, and Wilson.

Noes: None.

Chair Moore, Board Member Wilson, and Board Member Blackaby volunteer to be on the hearing panel.

END OF CLOSED SESSION

13. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

Chair Moore announces the closed-session actions.

14. ADJOURNMENT

Motion to adjourn.

(Leftwich/Harris) The meeting was adjourned at 9:42 P.M by unanimous consent.

Minutes Approved on: 12/06/2023

Hansel Aguilar, Commission Secretary:  _____