



## **POLICE ACCOUNTABILITY BOARD**

REGULAR MEETING AGENDA

**Wednesday, April 26, 2023**

**6:30 P.M.**

Board Members:

JOHN MOORE III. (CHAIR)  
KITTY CALAVITA

REGINA HARRIS (VICE-CHAIR)  
JULIE LEFTWICH

CHERYL OWENS  
DEBORAH LEVINE

### **MEETING LOCATION**

North Berkeley Senior Center  
1901 Hearst Ave,  
Berkeley, CA 94709

### **PUBLIC ADVISORY**

The PAB has resumed in-person meetings and encourages community members to attend in person. Community members attending in person should observe the “Health and Safety Protocols for In-person Meetings of Berkeley Boards and Commissions” as outlined by the City of Berkeley.

\*\*\*The PAB acknowledges that physical attendance may not be feasible for all community members. To this end, the Office of the Director of Police Accountability (ODPA) has been exploring the option of allowing for remote participation at the PAB meetings. Please note that the ODPA and PAB are in the early stages of implementing this hybrid meeting format so there is a possibility for technical glitches and errors. Your patience and understanding are greatly appreciated. \*\*\*

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/82653396072>. If you do not wish for your name to appear on the screen, use the drop-down menu and click on “rename” to rename yourself to be anonymous. To request to speak, use the “raise hand” icon on the screen. To join by phone: Dial **1 669 900 6833** and enter Meeting ID **826 5359 6072**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized.

## LAND ACKNOWLEDGEMENT

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Chochen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

### AGENDA

1. **CALL TO ORDER & ROLL CALL** (2 minutes)
2. **APPROVAL OF AGENDA** (5 MINUTES)
3. **PUBLIC COMMENT** (TBD)  
*(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on any matter within the Board's jurisdiction at this time.)*
4. **APPROVAL OF MINUTES** (5 MINUTES)
  - Regular Meeting Minutes for April 11, 2023
5. **ODPA STAFF REPORT** (10 MINUTES)
  - Announcements, updates, and other items.
    - o Introduction to Deputy City Attorney Stephen Hylas
    - o Staffing Updates
6. **CHAIR AND BOARD MEMBERS' REPORTS** (5 MINUTES)  
Announcements, updates, and other items.
7. **CHIEF OF POLICE'S REPORT** (20 minutes)  
Crime/cases of interest, community engagement/department events, staffing, training, and other items of interest.

**8. SUBCOMMITTEE REPORTS (discussion and action) (10 min) \***

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. Policy and Practices relating to the Downtown Task Force and Bike Unit Allegations (Chair: Owens)
- b. Body-Worn Camera Policy (Chair: Harris)
- c. Conflict of Interest (Chair: Leftwich)

*\* When used under the subcommittee reports section, "Chair" refers to the Chairperson of the respective subcommittee, not the PAB Chair. \**

**9. NEW BUSINESS (discussion and action) (60 min)**

- a. Discussion on the proposal to maintain the display of the land acknowledgment on PAB meeting materials and recite it in its entirety during the initial Regular PAB Meeting of the month (Moore, Harris) – (5 min)
- b. Recommendation to Cancel July 25<sup>th</sup> Regular Meeting to avoid conflicting with the City Council's Regular Meeting (DPA Aguilar) – (5 min)
- c. Review of letter requesting documents and other information regarding the determination of a conflict of interest by the city attorney, as proposed by the Conflict of Interest Subcommittee (Leftwich) – (5 min)
- d. Clarification and Discussion on the Communication of Attorney-Client Privileged Documents and Information (Owens) – (5 min)
- e. Notice of Policy Complaint No. 2023-PR-0002 (ODPA Staff) – (15 min)  
*(Per Section G "Policy Complaints and Reviews" of the PAB's standing rules, the policy complainant(s) will be allowed to speak for five minutes. Other members of the public will be allowed up to three minutes with the time allotted subject to the discretion of the chair, who will consider the number of persons wishing to speak. Board members may ask policy complainants brief questions. The BPD will be allowed to respond to the Board. The Board may accept the policy complaint upon a majority vote).*
- f. Discussion concerning the memo from DPA Aguilar to Council titled "Delays in ODPa Work Production due to BPD Non-Adherence to Charter Deadlines" (Harris) – (10 min)
- g. Recommendation to establish a subcommittee dedicated to reviewing Charter Section 125 (DPA Aguilar) - (5 min)
- h. Recommendation for a budget allocation for additional staff (DPA Aguilar) – (10 min)
  - i. Investigator
  - ii. Communications Specialist

**10. TRAINING ON GRAHAM V. CONNOR – FLETC-TALKS (15 MIN)**

*Graham v. Connor* is a United States Supreme Court case that established the standard for evaluating claims of excessive force by law enforcement officers under the Fourth Amendment’s “unreasonable seizures” clause. You can watch this video to learn more: <https://youtu.be/zhtQovjR2C0>.

**11. PUBLIC COMMENT (TBD)**

**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 act on the following matter(s):*


**12. Case updates – (10 min)**

**END OF CLOSED SESSION**

**13. ADJOURNMENT (1 minute)**

**Communications Disclaimer**

Communications to the Police Accountability Board, like all communications to Berkeley boards, commissions, or committees, are public records and will become part of the City’s electronic records, which are accessible through the City’s website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission, or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in-person to the Board Secretary. If you do not want your contact information included in the public record, do not include that information in your communication. Please contact the Board Secretary for further information.

 **Communication Access Information (A.R. 1.12)**

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date.

**SB 343 Disclaimer**

Any writings or documents provided to a majority of the Board regarding any item on this agenda will be made available for public inspection at the Office of the Director of Police Accountability, located at 1947 Center Street, 5th Floor, Berkeley, CA.

**Contact the Director of Police Accountability (Board Secretary) at:**

1947 Center Street, 5<sup>th</sup> Floor, Berkeley, CA 94704

TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955

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