

OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

POLICE ACCOUNTABILITY BOARD REGULAR MEETING

Wednesday, June 22, 2022
7:00 P.M.

Board Members:

MICHAEL CHANG, CHAIR
NATHAN MIZELL, VICE-CHAIR
KITTY CALAVITA

REGINA HARRIS
JULIE LEFTWICH
DEBORAH LEVINE

JOHN MOORE III
CHERYL OWENS
ISMAIL RAMSEY

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of the attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/82237902987>. 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 822 3790 2987. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized.

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.)

The Police Accountability Board and Office of the Director of Police Accountability (ODPA) were created to provide independent civilian oversight of the Berkeley Police Department. They review and make recommendations on police department policies, and investigate complaints made by members of the public against police officers. For more information, contact the ODPA.

1947 Center Street, 5th Floor, Berkeley, CA 94704 TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955
Website: www.cityofberkeley.info/dpa/ Email: dpa@cityofberkeley.info

4. **APPROVAL OF MINUTES (5 minutes)**
Regular meeting of June 8, 2022.
5. **CHAIR AND BOARD MEMBERS' REPORTS (5 minutes)**
Report on Juneteenth; other items.
6. **DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT (5 minutes)**
Status of complaints; other items.
7. **CHIEF OF POLICE'S REPORT (10 minutes)**
Crime/cases of interest, community engagement/department events, staffing, training, and other items of interest.
8. **SUBCOMMITTEE REPORTS (discussion and action) (15 minutes)**
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 – meeting to be scheduled.
 - b. Director Search – candidate interviews today.
 - c. Regulations Subcommittee – renew term of subcommittee.
9. **OLD BUSINESS (discussion and action)**
 - a. Proposed Equipment Impact Statements, Use Policies, Military Equipment Policy, and Annual Use Report (1 hour)
 - i) Consider communicating to the City Council more specifics regarding the shortcomings of the Impact Statements and Use Policies.
 - ii) Review Annual Use Report and make recommendations to the Council for modification or revocation of authorization to use.
 - iii) Consider asking the Council to postpone its consideration of Policy 709 on Military Equipment, and to refer Policy 709 to the PAB for review and recommendations.
(See also materials in June 8, 2022 packet.)
 - b. Continue reviewing draft of proposed permanent Regulations for Handling Investigations and Complaints. (1 hour)
(See also materials in May 25, 2022 packet.)
10. **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 items on this agenda only.)
11. **ADJOURNMENT (1 minute)**

Communications Disclaimer

Communications to the Police Accountability Board, like all communications to Berkeley boards, commissions or committees, are public record 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.

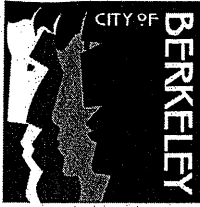
SB 343 Disclaimer

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 dpa@cityofberkeley.info

**POLICE ACCOUNTABILITY BOARD (PAB)
REGULAR MEETING ATTACHMENTS
JUNE 22, 2022**

<u>MINUTES</u>	
June 8, 2022 Regular Meeting Draft Minutes	Page 7
<u>AGENDA-RELATED</u>	
Item 8. – Police Accountability Board Subcommittee List updated 5-18-2022.	Page 13
Item 9.a – Supplemental Agenda Material for Supplemental Packet 2, for June 14, 2022 meeting, re Police Equipment & Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report. Submitted by PAB Chairperson Michael Chang and Interim Director of Police Accountability Katherine Lee.	Page 15
Item 9.b. – 5-20-2022 Memo from Interim Director of Police Accountability to the PAB re Draft Permanent Regulations for Handling Investigations and Complaints – issues for full Board discussion.	Page 31
<u>COMMUNICATIONS</u>	
2022-06-15 Memo from the PAB Vice-Chair to the Mayor and Members of the City Council re Police Accountability Board Role in Selection Process for Director of Police Accountability.	Page 33
2022-06-14 Email: A Message from the NACOLE President.	Page 35



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

DRAFT

POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
MINUTES
(draft)

Wednesday, June 8, 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 7:00 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 Elisa Batista (alternate)

Absent: Board Member Ismail Ramsey

ODPA Staff: Katherine J. Lee, Interim Director of Police Accountability
Beneba Thomas, DPA Investigator

BPD Staff: Lt. Robert Rittenhouse

2. APPROVAL OF AGENDA

**Motion to approve the agenda as modified to hear Item #10.c. after Item #7.
Moved/Second (Leftwich/Calavita) Motion Carried by general consent.**

3. PUBLIC COMMENT

6 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of May 25, 2022

Moved/Second (Harris/Leftwich) **Motion Carried by general consent, with Board members Batista and Mizell abstaining.**

5. CHAIR AND BOARD MEMBERS' REPORTS

No reports.

6. DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT

The Interim Director reported:

- 1 new complaint filed since the last meeting; complainant requested mediation.
- Interim Director attended and spoke at San Leandro celebration of their recent establishment of civilian oversight.
- Interim Director will be extending her contract [with Council's approval] by one month through the end of July, working reduced hours that month.

Questions about status of investigations were answered.

- Shifts for staffing PAB table at Juneteenth Festival were confirmed.
- Scheduling another Regulations Subcommittee meeting and a possible special Board meeting discussed.

7. CHIEF OF POLICE'S REPORT

Lt. Rittenhouse reported on behalf of Interim Chief Louis:

- BPD responded on May 13 to Alcatraz & California for reports of gunfire; following an investigation, a suspect was arrested.
- Information provided on the student suspect in a mass shooting suspect. BPD has no evidence to suggest there remains a threat at BHS.
- Currently 152 sworn officers; 5 will start academy on July 5. Recruitment and retention remain a challenge.

(Item #10.c. heard next.)

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 this afternoon. Working on BPD 3-pronged approach to traffic enforcement. Chief scheduled to report on Fair & Impartial Policing implementation at June 14 Council meeting.
- b. Director Search – See Item #10.a. below.
- c. Controlled Equipment – met May 31; see Item #10.b below.

9. OLD BUSINESS (discussion and action)

- a. Consider forming Outreach Subcommittee.

Postponed.

- b. Consider forming Lexipol Policies Subcommittee.
Postponed.

10. NEW BUSINESS (discussion and action)

- a. Approve possible communication to City Manager regarding the PAB's role in selecting the permanent Director of Police Accountability.

Motion to have the Board, through Vice-Chair Mizell, send a letter to the relevant parties, which include the City Manager, Deputy City Manager Bellow, Mayor and Council to get clarification about questions regarding the selection process at this stage, such as, the composition of the interview panels, and getting information about the candidates before the day of the interviews; and why it's important to get this information answered in advance; also, to authorize the Director Search Subcommittee to draft this letter.

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

Ayes: Calavita, Harris, Leftwich, Levine, Mizell, Moore, and Batista.

Noes: Owens Abstain: No Absent: Ramsey

- b. Proposed Equipment Impact Statements, Use Policies, Military Equipment Policy, and Annual Use Report: Review and affirm or revise Subcommittee's proposals on how to proceed, and on substantive recommendations to City

Main motion (Calavita/Leftwich):

The Board recommends provisional approval of the Impact Statements and Use Policies, only on the condition that within 90 days the Police Department makes the following critical modifications:

- 1. The "Impact" sections for each type of equipment in the Impact Statements need to describe potential adverse impacts in accord with the Ordinance.**
- 2. The "Uses" sections of the Impact Statements for chemical agents and kinetic impact projectiles need to reflect and be made consistent with Berkeley policy and state law;**
- 3. The policies attached in the Appendix, such as Policy 303 on Control Devices and Techniques, must be updated to conform to State law.**

The Board preferred to reject the Impact Statements and Use Policies, given the clear omissions and inconsistencies with law and policy. However, in light of the impending deadline, the Board offers this conditional approval.

Substitute motion (Mizell/Moore):

Recommend that the Council:

- 1) reject the Impact Statements based on the descriptions in category (4), "Impact", because the language for many pieces of equipment fails to adequately describe the full impacts of the equipment's use. BMC Section 2.100.020 (C)(4) requires identification of potential impacts that the use of Controlled Equipment might have on the welfare, safety, civil rights, and civil liberties of the public. While the Board does not take issue with much of the existing language, it believes more information is needed regarding potential negative effects;
- 2) reject the Impact Statements pertaining to chemical agents and kinetic impact projectiles because they fail to fully delineate the City's policies on such weapons as well as the restrictions imposed by AB 48. This implicates the Impact Statements for the Penn Arms, Milkor, and FN 303 launchers; and Oleoresin Capsicum Spray (pepper spray), Chlorobenzylidene Malononitrile (CS gas, or tear gas) and OC in canister form; and
- 3) recommend that members of the Police Accountability Board, Berkeley Police Department, and City Attorney's Office meet to discuss the discrepancies in interpreting the requirements of the Ordinance, with the goal of streamlining the process going forward for future reviews.

Substitute Motion Failed

Ayes: Harris, Mizell, Moore, Batista

Noes: Calavita, Chang, Owens, Leftwich

Abstain: Levine Absent: Ramsey

Main Motion Failed

Ayes: Calavita, Chang, Leftwich, Owens

Noes: Harris, Mizell, Moore, Batista

Abstain: Levine Absent: Ramsey

Motion to communicate to the Council that the Board agreed on a list of problems that exist regarding the Impact Statements and Use Policies. Two votes were taken, one to reject, and one to approve, the Impact Statements and Use Policies, but each motion failed on a 4-4-1-1 vote. The Board unanimously agreed, however, that it had significant concerns with the serious flaws it identified in the Impact Statements and Use Policies, in that the following omissions and inconsistencies need to be corrected:

1. The "Impact" sections for each type of equipment in the Impact Statements need to describe potential adverse impacts in accord with the Ordinance.
2. The "Uses" sections of the Impact Statements for chemical agents and kinetic impact projectiles need to reflect and be made consistent with Berkeley policy and state law.

3. The policies attached in the Appendix, such as Policy 303 on Control Devices and Techniques, must be updated to be conform to state law.

The Board struggled with the challenges posed by the complexity of the task and time pressures. There was a great deal of ambivalence because many Board members did not want to reject the Equipment Statements and Use Policies in light of the impending deadlines, while other Board members did not want to approve the documents because of the serious deficiencies.

Moved/Second (Calavita/Owens) Motion Carried

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

Noes: None

Abstain: Mizell

Absent: Ramsey

- c. Receive update from Police Department regarding arrest of suspect in mass shooting plot.

(Heard following Item #7)

Lt. Rittenhouse provided an update and answered questions.

11. PUBLIC COMMENT

2 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):

12. PRESENTATION OF ADMINISTRATIVE CLOSURE OF COMPLAINT #22

Motion to administratively close Complaint #22.

Moved/Second (Leftwich/Levine) Motion Carried

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

Noes: None

Abstain: None

Absent: Ramsey

End of Closed Session

13. ANNOUNCEMENT OF CLOSED SESSION ACTION

The decision to administrative close Complaint #22 was announced.

14. ADJOURNMENT

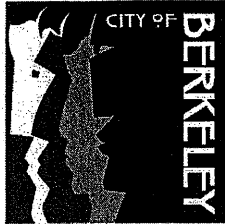
Motion to adjourn the meeting.

Moved/Second (Leftwich/Moore) By general consent, the meeting was adjourned at 10:59 p.m.

**POLICE ACCOUNTABILITY BOARD
SUBCOMMITTEES LIST**

5-18-2022

Subcommittee	Board Members	Chair	BPD Reps
Regulations Formed 7-7-21	Calavita Chang Leftwich Owens <u>Public:</u> Kitt Saginor	Chang	Lt. Dan Montgomery
Director Search Formed 8-4-21	Levine Mizell Moore <u>Public:</u> Rivka Polatnick Marc Staton	<u>Co-chairs</u> Levine Moore	
Fair & Impartial Policing Implementation Formed 8-4-21	Calavita Moore Owens Ramsey <u>Public:</u> George Lippman Elliot Halpern	Calavita	Sgt. Peter Lee
Mental Health Response Formed 11-10-21 Scope expanded 3-9-22	Harris Levine <u>Public:</u> Elena Auerbach		Sgt. Joe LeDoux
Fixed Surveillance Cameras (Policy 351) Formed 2-9-22	Mizell Ramsey		
PAB Budget Formed 2-23-22	Levine Harris Owens	Owens	
Controlled Equipment Use & Reporting Formed 5-11-22	Mizell Moore	Mizell	



Office of the Director
of Police Accountability

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2

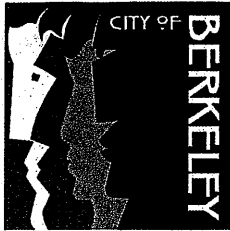
Meeting Date: June 14, 2022

Item Number: 32

Item Description: Police Equipment & Community Safety Ordinance Impact Statements, Associated Equipment Policies and Annual Equipment Use Report

Submitted by: Michael Chang, Chairperson, Police Accountability Board
Katherine J. Lee, Interim Director of Police Accountability

The attached report contains the recommendation of the Police Accountability Board regarding the Police Department's proposed Impact Statements and Use Policies submitted under the Police Equipment & Community Safety Ordinance. The proposed Policy 709, submitted in accordance with AB 481, and the Annual Use Report required under the Ordinance, are also addressed.



Office of the Director
of Police Accountability

ACTION CALENDAR
June 14, 2022

To: Honorable Mayor and Members of the City Council

From: Police Accountability Board and
Office of the Director of Police Accountability

Submitted by: Michael Chang, Chairperson, Police Accountability Board
Katherine J. Lee, Interim Director of Police Accountability

Subject: Police Equipment & Community Safety Ordinance Impact Statements,
Associated Equipment Policies and Annual Equipment Use Report

RECOMMENDATIONS

1. In deciding whether to approve the Police Department's proposed Police Equipment & Community Safety Ordinance ("Ordinance") Impact Statements and Associated Equipment Policies, consider the shortcomings that the Police Accountability Board ("Board") has identified.
2. Postpone consideration of the Annual Equipment Use Report submitted under the Ordinance, as the statutory 60-day review period for the Board to review this report has not expired and the Board needs additional time to conduct its evaluation.
3. Regarding proposed Policy 709, Military Equipment, submitted to comply with Assembly Bill 481, postpone consideration of Policy 709 and refer this item to the Board for a review and recommendation to the Council.

FISCAL IMPACTS OF RECOMMENDATION

Unknown.

CURRENT SITUATION AND ITS EFFECTS

The Police Equipment & Community Safety Ordinance, codified in Berkeley Municipal Code Chapter 2.100, sets forth an approval process that the Police Department must follow before acquiring or using "controlled equipment," as defined in the Ordinance. The same approval process is required for previously acquired equipment. As part of this process, the Police Accountability Board is tasked with reviewing and making recommendations to the Council regarding Impact Statements and Equipment Policies (also referred to as Use Policies) prepared by the Police Department. The Ordinance also requires the Board to review and make a recommendation to the Council regarding the Police Department's Annual Equipment Use Report.

Separately, the Police Department must comply with AB 481, with similar, but not identical, reporting requirements, and a longer timeline for compliance than that under the Ordinance. The Police Accountability Board has no formal role in reviewing the Military Equipment Policy (Policy 709) prepared under AB 481, but has discretionary authority to do so.¹ Because the reporting requirements of AB 481 and the Ordinance are so similar, much of the Board's work in reviewing the reports produced under the Ordinance can be applied to reviewing Policy 709.

BACKGROUND

Impact Statements and Use Policies

Under the Ordinance, the Board must recommend that the City Council adopt, modify, or reject the proposed Controlled Equipment Use Policy, and present its recommendations to the City Council. (B.M.C. section 2.100.040.(E).²)

The Police Department submitted the Impact Statements and Use Policies to the Board on February 24, 2022. The Board convened a special meeting on March 30, 2022 for the sole purpose of evaluating these documents. It noted several deficiencies, and communicated these to the Chief of Police in a memorandum dated April 6, 2022.³ Although these comments were characterized as the Board's recommendations in the Department's May 10, 2022 report to the Council, the Board did not view them as such; as the City Attorney noted, the Board's April 6, 2022 memo did not contain explicit recommendations, nor were they presented to Council.

After Council's postponement of this item to June 14, the Board on May 11 established a Controlled Equipment Use & Reporting Subcommittee, composed of Vice-Chair Mizell and Board member Moore. The Subcommittee met three times, with Police Department representatives present at two of the meetings. Before its last meeting, the Police Department submitted revised Impact Statements, incorporating changes responding to some of the Board's April 6, 2022 comments.⁴ Shortly thereafter, the Police Department modified some of the Use Policies. The Subcommittee's recommendations to the Board were transmitted in a memo from the Interim Director to the Board dated June 5, 2022 (Attachment 1).

At its June 8, 2022 meeting, the Board reviewed the Subcommittee's recommendations and had an extensive and vigorous discussion about what it should recommend to the Council. Ultimately, the Board was unable to agree on a recommendation to adopt,

¹ Charter of the City of Berkeley, Article XVIII, Section 125(3)(a)(1).

² This section refers only to Use Policies, and not Impact Statements, which, in the context of the entire Ordinance, appears to be a drafting error.

³ See p. 81 of the original May 10, 2022 agenda item.

⁴ The revised Impact Statements and linked Use Policies are attached to the Police Department's submittal in the Supplemental 1 packet.

modify, or reject the Impact Statements and Use Policies, but found near unanimity on expressing the problems it found:

Motion: Communicate to the Council that the Board agreed on a list of problems that exist regarding the Impact Statements and Use Policies. Two votes were taken, one to reject, and one to approve, the Impact Statements and Use Policies, but each motion failed on a 4-4-1-1 vote. The Board unanimously agreed, however, that it had significant concerns with the serious flaws it identified in the Impact Statements and Use Policies, in that the following omissions and inconsistencies need to be corrected:

- 1. The “Impact” sections for each type of equipment in the Impact Statements need to describe potential adverse impacts in accord with the Ordinance.⁵**
- 2. The “Uses” sections of the Impact Statements for chemical agents and kinetic impact projectiles need to reflect and be made consistent with Berkeley policy and state law.⁶**
- 3. The policies attached in the Appendix, such as Policy 303 on Control Devices and Techniques, must be updated to be conform to state law.**

The Board struggled with the challenges posed by the complexity of the task and time pressures. There was a great deal of ambivalence because many Board members did not want to reject the Equipment Statements and Use Policies in light of the impending deadlines, while other Board members did not want to approve the documents because of the serious deficiencies.

M/S/C (Calavita/Owens): Ayes – Calavita, Chang, Harris, Leftwich, Levine, Moore, Owens, Batista (alternate); Noes – None; Abstain – Mizell; Absent – Ramsey.

Essentially, the Board was divided on the message it wished to send. One group felt that the Board should approve the Impact Statements and Use Policies because it was highly unlikely that the Council would reject them and thus deprive the Police Department of many of its tools, including less-lethal options. The other group believed that the Board should stand by its assessment of the documents by rejecting them as failing to meet the requirements of the Ordinance. The Board was able to agree on communicating the shortcomings of the Impact Statements and Use Policies, however.

A note about Assembly Bill 48: This state law bans the use of less-lethal weapons and chemical agents for crowd control purposes, except by officers with specific training,

⁵ B.M.C. section 2.100.040(C)(4).

⁶ These sections are a subsection of the “Description” section. “Description: A description of each type of Controlled Equipment, the quantity sought, its capabilities, expected lifespan, **intended uses and effects**, and how it works, including product descriptions from the manufacturer of the Controlled Equipment.” (B.M.C. section 2.100.040(C)(1).) (Emphasis added.)

under certain conditions, and if specific requirements are met. The Board believes that the Impact Statements and Use Policies those documents should reflect the restrictions on use imposed by AB 48; this is the "state law" referred to in its motion.

Annual Equipment Use Report

"Within 60 days of the Police Department submitting an annual report, the Police Accountability Board shall place the report as an agenda item for an open session of a regular meeting. The Police Accountability Board shall determine, based on the report, whether each piece of Controlled Equipment reported on has complied with the standards for approval set forth in Section 2.100.040." B.M.C. Sec. 2.100.050(B)(1).

The Police Department submitted the Annual Report to the Board on April 26, 2022. Thus, the Board has until June 25, 2022 to complete its assessment under Ordinance. The Controlled Equipment Subcommittee recommended to the full Board that, if it did not act on the Annual Report at the Board's June 8 meeting, it request that Council postpone acting on June 14, to allow the Board to consider the report at its June 22 meeting. (See Attachment 1, p. 4.) Due to the Board's lengthy and spirited discussion about the Impact Statements and Use Policies, however, it overlooked acting on this recommendation. Thus, the Interim Director recommends that the Council postpone consideration of the Annual Report so that the Board may review it for purposes of making a recommendation to the Council. This is consistent with advice provided by the City Attorney.

Policy 709, Military Equipment

The Police Accountability Board believes that its review Policy 709 on Military Equipment is appropriate, even though it is not required. The Board did not have time to undertake an evaluation of this policy, however. The Board's Controlled Equipment Subcommittee recommended that the Board ask the Council postpone its consideration of this policy on June 14 (See Attachment 1, p. 4). However, this item, too, was overlooked by the Board in the wake of its intense discussion regarding the Impact Statements and Use Policies. Therefore, it is the recommendation of the Interim Director that the Council postpone consideration of Policy 709 and refer it to the Police Accountability Board for review and return with a recommendation. The Council must approve Policy 709 within 180 days from submittal which, according to the Police Department, was April 28, 2022.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No environmental or climate impacts.

RATIONALE FOR RECOMMENDATIONS

The rationale for each the recommendations from the Police Accountability Board and the Interim Director is explained above.

ALTERNATIVE ACTIONS CONSIDERED

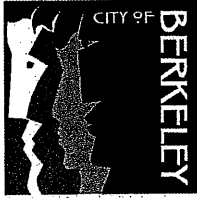
The Board considered competing proposals regarding the Impact Statements and Use Policies, but could not agree on either.

CONTACT PERSON

Katherine J. Lee, Interim Director, Office of the Director of Police Accountability
(510) 981-4950

Attachments:

- 1: June 5, 2022 Memorandum from Interim Director Lee to Police Accountability Board re: Controlled Equipment – Agenda item #10.b. on [PAB's] June 8, 2022 agenda.
- 2: Chart: Guide to Controlled Equipment Item
- 3: Excerpt of minutes (unapproved) from June 8, 2022 Police Accountability Board meeting.



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

June 5, 2022

To: Police Accountability Board
From: Katherine J. Lee, Interim Director of Police Accountability
Re: Controlled Equipment – Agenda Item #10.b. on June 8, 2022 agenda

This memo provides background and guidance on the Controlled Equipment item, and elaborates on the Subcommittee's recommendations. The table entitled "Guide to Controlled Equipment Item" on p. 13 of your agenda packet should help you sort out the voluminous amount of material comprising the Police Equipment and Community Safety Ordinance Impact Statements and related Use Policies, the Annual Use Report, and the Military Equipment Policy (Policy 709).

Background

Police Equipment and Community Safety Ordinance Impact Statements and related Use Policies were first considered by you at the March 30, 2022 special meeting. At that time, the Police Department (BPD) stated that those materials were also intended to fulfill the requirements of AB 481. Your assessment of the Impact Statements and Use Policies was communicated to Chief Louis in an April 6, 2022 memo. On April 25, the BPD sent me the Annual Use Report and, on May 4, Capt. Roller sent a memo responding your April 6 memo. Among his responses, he noted that it was an "editing error" to state that the Impact Statements were to meet the mandates of AB 481.

The BPD submitted the Impact Statements and Use Policies, Annual Use Report, and Military Equipment Policy to the Council for its May 10, 2022 meeting¹ and the Council postponed consideration until its June 14 meeting. Since then, the Department has revised the Impact Statements, Policy 303 (Control Devices and Techniques), Policy 428 (First Amendment Assemblies) and the Military Equipment Policy. Some of the changes respond to issues the Board raised in its April 6 memo.

You formed the Controlled Equipment Reporting Subcommittee on May 11, 2022, and Chair Chang appointed Vice-Chair Mizell and Board member Moore to the Subcommittee. The Subcommittee met on May 17, 23, and 31, with BPD personnel present for most or all of every meeting. In addition to the specific recommendations noted below, Subcommittee members wish to convey to the Board that they do not believe they had enough time, capacity, or expertise to thoroughly review the materials to meet the level of scrutiny that the Ordinance suggests is required.

¹ The complete Council item was included in your March 30, 2022 agenda packet.

I. Impact Statements and Use Policies

The critical task on June 8 is for you to make recommendations to the City Council on the Impact Statements and Use Policies. There is some debate as to the actual deadline for Council to take action on these, but arguably they must do so by their June 28 meeting. Because, however, final decisions on the FY 23 & 24 budget must be made on that date, they asked that the item be returned on June 14.

PAB responsibility

You are undertaking the “Review Process for Previously Acquired Equipment” in the Ordinance (Berkeley Municipal Code sec. 2.100.040 (G)). This entails the same consideration of Controlled Equipment Impact Reports and Use Policies as will be required when the BPD seeks to purchase or acquire by other means Controlled Equipment, or to use such equipment in a way not originally authorized. (BMC sec. 2.100.040(A).)

“**Controlled Equipment Impact Statement**” means a publicly released, written document that includes, at a minimum, all of the following:

- (1) Description: A description of each type of Controlled Equipment, the quantity sought, its capabilities, expected lifespan, intended uses and effects, and how it works, including product descriptions from the manufacturer of the Controlled Equipment.
- (2) Purpose: The specific purpose or purposes that each type of Controlled Equipment is intended to achieve.
- (3) Fiscal Cost: The fiscal cost of each type of Controlled Equipment, including the initial costs of obtaining the equipment, the costs of each proposed use, the costs of potential adverse impacts, and the annual, ongoing costs of the equipment, including operating, training, transportation, storage, maintenance, and upgrade costs.
- (4) **Impact: An assessment specifically identifying any potential impacts that the use of Controlled Equipment might have on the welfare, safety, civil rights, and civil liberties of the public.** [emphasis added]
- (5) Mitigations: Specific, affirmative technical and procedural measures that will be implemented to safeguard the public from such impacts.
- (6) Alternatives: Alternative method or methods by which the Police Department can accomplish the purposes for which the Controlled Equipment is proposed to be used, and rationale for selection over alternative methods.
- (7) Third Party Dependence: Whether use or maintenance of the Controlled Equipment will require the engagement of third party service providers.

(BMC sec. 2.100.020(C).)

And:

Controlled Equipment requires a publicly available **use policy** that identifies the purpose, any prohibited uses, training requirements, and any process required prior to use.

(BMC sec. 2.100.030)

You are to apply the “Criteria for Police Accountability Board Recommendations” in BMC sec. 2.100.040(C):

- (1) The Police Accountability Board shall recommend approval of a request to fund, acquire, or use Controlled Equipment pursuant to this chapter only if it determines all of the following:

- (a) The Controlled Equipment is needed and there is no practicably available alternative equipment which is not Controlled Equipment that is sufficient for the purposes.
- (b) The proposed Controlled Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- (c) The Controlled Equipment will not be used based on race, national origin, religion, sexual orientation, gender, gender identity, political viewpoint, or disability, or disproportionately impact any community or group.

(2) If the submitted Controlled Equipment Impact Report identifies a risk of potential adverse effects on the public's welfare, safety, civil rights, or civil liberties, the Police Accountability Board's recommendation for approval for the funding, acquisition, or use of the Controlled Equipment shall not be deemed an acquiescence to those effects, but instead an acknowledgment of the risk of those effects and the need for the Police Department to take proactive steps to minimize those effects.

Subcommittee Recommendations

1. The Controlled Equipment Subcommittee recommends that you reject the Impact Statements based on the descriptions in category (4), "Impact" [in bold above], because the language for many pieces of equipment fails to adequately describe the full impacts of the equipment's use. BMC Section 2.100.020 (C)(4) requires identification of potential impacts that the use of Controlled Equipment might have on the welfare, safety, civil rights, and civil liberties of the public. While the Subcommittee does not take issue with much of the existing language, it believes more information is needed regarding potential negative effects.

For example, for the Impact of the M4 rifle (p. 7 of Impact Statements, p. 23 of packet), the BPD discusses how the rifle can stop a lethal threat from a greater distance and with more accuracy compared to a pistol, and is intended to increase the safety and welfare of citizens and officers; also, BPD states that abuses of authority or power would result from a violation of policies or law. Missing, however, is any consideration of how mere deployment of the rifle can have a potentially traumatic effect on bystanders.

2. The Subcommittee also recommends that the Impact Statements pertaining to chemical agents and kinetic impact projectiles fully delineate the City's policies on such weapons as well as the restrictions imposed by AB 48. This implicates the Impact Statements for the Penn Arms, Milkor, and FN 303 launchers; and Oleoresin Capsicum Spray (pepper spray), Chlorobenzylidene Malononitrile (CS gas, or tear gas) and OC in canister form.

AB 48 prohibits the use of chemical agents and impact projectiles for crowd control except in under certain conditions and only by peace officers with the requisite training. (Penal Code sec. 13652.) City of Berkeley policy bans the use of tear gas in all circumstances, and bans pepper spray or smoke for crowd control.

An issue that has not been resolved is to what extent the Impact Statements must incorporate the Use Policies, and whether the Use Policies sufficiently include the local and state limitations and prohibitions. BPD points out that applicable Use Policies are incorporated into the Impact Statements by reference in the Appendix. The Subcommittee noted that one of the required elements of the Impact Statements is "A description of each type of Controlled Equipment, the quantity sought, its capabilities, expected life span, **intended uses and effects**, and how it works . . ." (BMC sec. 2.100.020(C)(1) [Emphasis added].) An added complication is that there are policies for specific equipment (such as Policy 303, covering chemical weapons and less-lethal), while other policies such as Policy 300, Use of Force, provide general guidance on use of the equipment and Policy 428, First Amendment Assemblies, contains further guidelines for use in crowd control situations.

II. Annual Use Report

Under BMC section 2.100.050, BPD must submit to the Board an annual report covering the immediately preceding calendar year. The elements are found in BMC section 2.100.050(A)(1). The Board must determine whether each piece of equipment meets the standards for approval in BMC section 2.100.040; essentially, the same standards as for initial approval of equipment. (BMC sec. 2.100.050(B)(1).)

The Subcommittee has no recommendation regarding the Annual Use Report, as it did not have time to review the report. The Subcommittee thought that the full Board might be able to conduct the review, as it is shorter and less complex than the Impact Statements.

The Council is being asked to approve the Annual Use Report on June 14. However, as the requisite 60 days for PAB's review will not expire until June 25, if you do not have time to review and approve this report on June 8, you should request that the Council postpone its consideration until after you have completed your assessment at the June 22 meeting. The City Attorney recommended that the Board be given its opportunity to review before Council considers the Annual Use Report.²

III. Military Equipment Policy (Policy 709)

BPD prepared the Military Equipment Policy to meet the mandates of AB 481. The reporting requirements are similar, but not identical to, the Controlled Equipment Ordinance requirements, and the equipment subject to AB 481 is likewise very similar, but not identical, to that covered by the Ordinance.

There is no requirement that the Board review Policy 709. It seems logical for the Board to do so, however, as Policy 709 contains many of the same elements of the Impact Statements and Use Policies. That said, the Subcommittee did not have time to perform this review, and recommends that the Board refer Policy 709 to a subcommittee (possibly the Lexipol Subcommittee) with a request that it focus first on the rifle policies. Mr. John Lindsay-Poland suggested additions to Policy 349 (Tactical Rifle Operator Program) and Policy 354 (Precision Rifle) that would describe prohibited uses.

If the Board proceeds with a review of Policy 709, it should ask the Council to postpone its consideration on June 14. The Council has 180 days from submission of the proposed policy to approve it. (Gov't Code sec. 7071(a)(2).)

Additional Recommendation

As a final recommendation, the Subcommittee voted to recommend that members of the Police Accountability Board, Berkeley Police Department, and City Attorney's Office meet to discuss the discrepancies in interpreting the requirements of the Ordinance, with the goal of streamlining the process going forward for future reviews.

² May 13, 2022 email from City Attorney Farimah Brown to Vice-Mayor Kate Harrison and others (found in May 31, 2022 agenda packet, p. 39).

Guide to Controlled Equipment Item

DOCUMENT FOR REVIEW	APPLICABLE LAW	PAB ROLE	TIMING	RECOMMENDED ACTION
Impact Statements and Use Policies	Police Equipment and Community Safety Ordinance (BMC Ch. 2.100) ("Ordinance").	Recommend that Council adopt, modify, or reject the proposed Impact Statements and Use Policies. May approve only if certain criteria met.	Subject to debate. Ordinance says within 90 days of BPD's submission to PAB (sent Feb. 24), but BPD sent to Council before PAB sent recommendation.	- Act on June 8 for submittal to Council for its June 14 meeting. - Reject Impact Statements, as language for many pieces of equipment fails to describe full impacts of the equipment's use. (More details in memo TBD.) - See * below.
Annual Use Report	Ordinance.	Determine if each piece of equipment complies with the standards for initial approval.	PAB must agendize by June 25 (60 days from April 26 submission to PAB).	- Act at June 8 or June 22 meeting, and then submit to Council. - (If no action on June 8, ask Council to not act on June 14 and wait for PAB to submit its recommendation.) - Subcommittee proposed full PAB review.
Military Equipment Policy 709	AB 481 - adds Gov't Code sections 7070 to 7075, requiring approval of "military equipment" by adopting a military equipment use policy.	No formal role, but given the similarity of the Ordinance and AB 481, makes sense for PAB to review.	No deadline for PAB. BPD to commence governing body approval process by May 1, 2022, and Council must approve in 180 days.	- Refer Policy 709 to a subcommittee, possibly Lexipol, with request to review the rifle policies first.
(Not for review, but restrictions should be reflected in policies above)	AB 48 - adds Penal Code section 13652, banning use of less-lethal weapons and chemical agents for crowd control except by officers with certain training and in specific circumstances.	No formal role. PAB should, however, ensure that BPD policies conform to state law.	Tied to above.	- * Ensure that Impact Statements pertaining to less-lethals and chemical agents fully delineate the City's policies and AB 48.

Excerpt from draft minutes of Police Accountability Board meeting of June 8, 2022

10. NEW BUSINESS (DISCUSSION AND ACTION)

- b. Proposed Equipment Impact Statements, Use Policies, Military Equipment Policy, and Annual Use Report: Review and affirm or revise Subcommittee's proposals on how to proceed, and on substantive recommendations to City Council.

Main motion: The Board recommends provisional approval of the Impact Statements and Use Policies, only on the condition that within 90 days the Police Department makes the following critical modifications:

1. The "Impact" sections for each type of equipment in the Impact Statements need to describe potential adverse impacts in accord with the Ordinance.
2. The "Uses" sections of the Impact Statements for chemical agents and kinetic impact projectiles need to reflect and be made consistent with Berkeley policy and state law;
3. The policies attached in the Appendix, such as Policy 303 on Control Devices and Techniques, must be updated to conform to State law.

The Board preferred to reject the Impact Statements and Use Policies, given the clear omissions and inconsistencies with law and policy. However, in light of the impending deadline, the Board offers this conditional approval.

Moved/Second (Calavita/Leftwich) Motion Failed

Ayes: Calavita, Chang, Leftwich, Owens

Noes: Harris, Mizell, Moore, Batista

Abstain: Levine Absent: Ramsey

Substitute motion: Recommend that the Council:

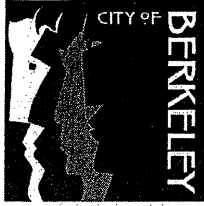
- 1) reject the Impact Statements based on the descriptions in category (4), "Impact", because the language for many pieces of equipment fails to adequately describe the full impacts of the equipment's use. BMC Section 2.100.020 (C)(4) requires identification of potential impacts that the use of Controlled Equipment might have on the welfare, safety, civil rights, and civil liberties of the public. While the Board does not take issue with much of the existing language, it believes more information is needed regarding potential negative effects;
- 2) reject the Impact Statements pertaining to chemical agents and kinetic impact projectiles because they fail to fully delineate the City's policies on such weapons as well as the restrictions imposed by AB 48. This implicates the Impact Statements for the Penn Arms, Milkor, and FN 303 launchers; and Oleoresin Capsicum Spray (pepper spray), Chlorobenzylidene Malononitrile (CS gas, or tear gas) and OC in canister form; and
- 3) recommend that members of the Police Accountability Board, Berkeley Police Department, and City Attorney's Office meet to discuss the discrepancies in interpreting the requirements of the Ordinance, with the goal of streamlining the process going forward for future reviews.

Moved/Second (Mizell/Moore) Motion Failed

Ayes: Harris, Mizell, Moore, Batista

Noes: Calavita, Chang, Owens, Leftwich

Abstain: Levine Absent: Ramsey



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

May 20, 2022

To: Police Accountability Board
From: Katherine J. Lee, Interim Director of Police Accountability
On behalf of the PAB Regulations Subcommittee
Re: Draft Permanent Regulations for Handling Investigations and Complaints –
issues for full Board discussion

This memo accompanies the Draft Regulations agendized for your May 25, 2022 meeting as Item #10.a. and appearing beginning on page 15 of the agenda packet. The Draft Regulations are the product of nine months of diligent work of the Regulations Subcommittee, consisting of Board members Mike Chang (Subcommittee Chair), Kitty Calavita, Julie Leftwich, and Cheryl Owens, and public member Kitt Saginor. The Subcommittee also benefitted from the input and expertise of PAB Investigator Byron Norris, and of Lt. Dan Montgomery, assigned to represent the Police Department at Subcommittee meetings.

The Subcommittee reached consensus on most provisions, but a few matters were particular thorny, and the Subcommittee agreed to flag these for the full Board to discuss. Board members not on the Subcommittee should feel free to ask questions about other provisions not on this list.

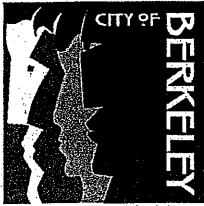
You will see on the draft several issues flagged for the City Attorney (some of which also appear below); a separate memo is going to the City Attorney's Office.

1. Investigations and Subpoenas. Does the Board have a role in directing or performing investigations? Does the subpoena power extend to the PAB during the Findings & Recommendations stage? See Draft Regulations Section II.C.6. (p. 6) and Section II.J.2. (p. 16), and Charter Sections 3(a)(5) and 20(c). Does the Charter allow for additional investigatory work after Findings and Recommendations (F&R) are presented but before or during a hearing? See Regs. Sec. II.E.5.a. (p. 9).
2. Deciding when a hearing is needed. Under the Interim Regulations currently in effect, after F&R are brought to the Board, if the Board agrees with the DPA, they are sent to the Chief; if the Board decides further fact-finding is needed, the Board may hold a confidential personnel hearing. Due to the lack of clarity of Charter Section 18(i), interpretation of that provision has posed one of the greatest

challenges to ODPa staff and the Board, and the police union is not satisfied with the implementation of Section 18(i) as reflected in the Interim Regulations.

The Regulations Subcommittee proposes for the permanent Regulations that whenever the DPA or PAB sustains a finding, or the PAB determines that it wishes to have a hearing, that a hearing will be held. See Draft Regs. Sec. II.E.5.a. (p. 9). This ensures that subject officers have an opportunity to be heard anytime a finding of "sustained" is recommended, and preserves the opportunity for the Board to call a hearing, even in the absence of sustained finding.

3. Evidence presented at F&R stage. Related to the above issue is the type of evidence staff presents to the Board. Draft Regs. Sec. II.E.5. (p. 9) states that body-worn camera video will not be shown at the initial consideration of F&R. The Subcommittee was convinced by Lt. Montgomery pointing out that body-worn camera video is seen and perceived viscerally, and could shape strong opinions that may not be overcome by a subject officer's representative raising aspects of the incident not caught on video, in a hearing a month later. This also relieves staff of the task of selecting what video to show during F&R, as it is usually not practical to show all the relevant footage. Of course, staff's written report can refer to what it saw on BWC video.
4. Relaying findings to the Chief. A last, relatively minor issue in Draft Regs. Sec. II.E.5. (subsections b. and c.), concerns wording about sending the findings. A Subcommittee member is arguing for "the Board shall send its findings" to the Chief. While the Director agrees that the findings "belong" to the Board, the act of sending them is performed by the Director or ODPa staff.
5. Post-hearing: If Hearing Panel modifies DPA's F&R. Following a hearing, if the Hearing Panel decides on findings that are different from the Director's, the Director writes them up and the Hearing Panel must approve or modify them. The Subcommittee did not discuss the alternate language found in Draft Regs. Section II.K.4.b. (p. 18). Please see the notes on that page. Part of the challenge is that the F&R are due to the Chief within 15 days of the hearing.
6. Board-initiated investigations. The Subcommittee proposes a new provision (Draft Regs. Sec. IV. (p. 21) allowing the Board to initiate an investigation (as opposed to complaint), so that staff may gather preliminary information and the Board may then initiate a formal complaint. It is unclear whether a Board-initiated investigation is authorized under the Charter.



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

June 15, 2022

To: Honorable Mayor and Members of the City Council
City Manager Dee Williams-Ridley
Deputy City Manager LaTanya Bellow

From: Nathan Mizell, *NM* Vice Chairperson, Police Accountability Board

Re: Police Accountability Board Role in Selection Process for Director of Police
Accountability

The Police Accountability Board looks forward to participating in the evaluation of candidates for the new Director of the Office of Police Accountability. As a Board we appreciate that we have been given an important role in the formal interview stage of the Director's selection. The City Manager's Office has been helpful providing answers to questions about this process. That information and the Contract between the Byers Group and the City of Berkeley inform our understanding of the process.¹ Some questions remain, however, and some conflicts between the Contract and the information provided need clarification. When there is conflict, we assume the Contract along with the applicable Charter Amendments govern this process.

The Board assumes, as stated in the Contract, that the Mayor and City Council will narrow--or already have narrowed--the field of "most qualified short-listed candidates" (as determined by the Byers Group), by selecting a group of "top candidates" for Panel interviews.² Then the "[t]op candidates participate in interviews with Mayor & City Council & PAB subcommittee."³ The Board has learned that three Panels will interview the "top candidates": a Staff Panel, a Community Panel, and a PAB Panel with three Board members and people from other cities involved with police oversight. This eliminates the two community members of the Board's Director Search subcommittee. We also learned that the City Manager will select the members of the Community Panel, and those subcommittee members will not be included there. The PAB objects to any deviation from the Charter or the Contract in this process.

Although the subcommittee was able to give input to the Byers Group process of "prioritiz[ing] the ideal candidate qualities to include in the recruitment profile," the

¹ Personal Services Contract between The Byers Group and City of Berkeley, executed on December 2, 2021.

² Contract, Exhibit A, #5, paragraphs 3-4: "The most qualified short-listed candidates are presented to the Mayor and City council in closed session...[and] The Mayor and City Council selects candidates for formal interviews."

³ Exhibit A, City of Berkeley, Director of Police Accountability Executive Search Timeline, item 10.

subcommittee has had no part at all in evaluating and narrowing the pool of applicants.⁴ Any elimination of subcommittee members from the final interview panels diminishes the important role of the PAB in this process.

Neither the Police Accountability Board nor its Director Search subcommittee has received any Report of the Byers Group work, nor any other materials, such as applicant resumes, reference letters, notes from preliminary interviews by Byers, or any summaries of the same. We do not know anything about the applicants, let alone the top candidates. The Board was only told that 13 people applied for the position.

The Board therefore requests that detailed information on the candidates chosen for the panel interviews be provided to the PAB's Director Search subcommittee, including, but not limited to, all resumes, reference letters, notes of oral interviews, summaries and evaluations, **well in advance of the June 22nd panel interviews**, but in no case later than 24 hours in advance. Board members on the interview panel were told that they will not receive any information about the interview candidates until an hour before the interviews begin. These materials must be received in advance to make the oral interviews meaningful. We all take seriously our obligations to maintain confidentiality in this process.

On behalf of the Board, thank you in advance for your response to these requests.

The Police Accountability Board voted in support of sending this letter to you by the following vote at its June 8, 2022, meeting: Moved/seconded – Levine/Calavita; Ayes -- Calavita, Harris, Leftwich, Levine, Mizell, Moore, Batista (alternate); Noes -- Owens; Abstain -- None; Absent – Ramsey. (Chair Chang recused himself from the discussion and vote regarding this item.)

cc: Police Accountability Board Members

⁴ Exhibit A STAKEHOLDER/COMMUNITY ENGAGEMENT (final page narrative).

Lee, Katherine

From: NACOLE <info@nacole.org>
Sent: Tuesday, June 14, 2022 12:27 PM
To: Lee, Katherine
Subject: A Message From NACOLE President, Gia Irlando

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.



June 14, 2022

Dear Members of the Oversight Community,

I can't believe it is June and we are three months from our Annual Conference in Fort Worth, Texas. This email is intended to bring you up to date with a few new developments that the NACOLE Board of Directors (Board) and staff are working on and to ask you for your help.

In May, we were forced to accept Former President Susan Hutson's resignation from the Board as she was sworn in as Sheriff of Orleans Parish in Louisiana. To fill her Past President position on the board, we contacted several former board members and subsequently appointed NACOLE Past President, Pierce Murphy. We were excited and fortunate to find someone with the time and

energy to rejoin the Board who has decades of great oversight experience AND a healthy background in fundraising and capacity building. Please join us in welcoming Pierce back to NACOLE!

As many of you may recall, in mid-2021 the Board took a huge leap in response to our need to build capacity and hired a fundraising consultant. In early 2022, we renewed that contract and commitment to not only build capacity in the form of an Executive Director but also to diversify our income and take some of the burden from staff for work that can be effectively done by others until we can afford to hire additional staff. Sarah Slavik is the consultant working with the Board and staff to make this happen. I am pleased to introduce her to you and hope you can help with this exciting initiative.

The need for NACOLE is greater than ever.

Over the past 2 years NACOLE has experienced an unprecedented level of interest in civilian oversight from around the globe. We have answered questions from over 150 jurisdictions and dozens of media outlets, supported the creation and improvement of numerous civilian oversight entities and trained hundreds of oversight professionals. This was only possible with the tremendous commitment of three dedicated staff and 11 volunteer board members.

There is more work to do.

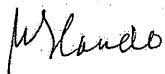
We encourage you to review [NACOLE's Case for Support](#) to understand how NACOLE can meet this moment. The bottom line: NACOLE can train & support more oversight professionals, but we must generate revenue to build this capacity.

We need your help! Please commit to one of the following:

This is the most ambitious growth initiative in NACOLE's history and we cannot do it without you. There are three easy ways you can support NACOLE today:

1. Help connect us to funders - individuals and grantmaking organizations. You are all connectors and as such, your networks may be the key to finding our capacity building funds. *Do you know someone who is interested in investing in NACOLE? Or who might be willing to sponsor the 2022 Conference? Reach out to Sarah at slavik@nacole.org.*
2. Join the Mission Advancement Committee and work with the Board and Sarah to build NACOLE's capacity and footprint across the country and even internationally. Reach out to info@nacole.org if you are interested and able to commit to serving on this new committee.
3. Support NACOLE with a tax-deductible contribution today in any amount. Consider a monthly contribution or earmark it for our Annual Conference Scholarship Fund so we can continue to invite and host people working on oversight in their communities as well as future oversight professionals.

We will be in touch in the coming weeks with more ways you can help NACOLE meet this moment. Please feel free to contact me directly at girlando@nacole.org with any questions or suggestions for this new chapter.



Gia Irlando
President
NACOLE

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