

OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING**

**Wednesday, October 12, 2022
7:00 P.M.**

Board Members:

JOHN MOORE III
NATHAN MIZELL, VICE-CHAIR
KITTY CALAVITA

REGINA HARRIS
JULIE LEFTWICH
DEBORAH LEVINE

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

Regular meeting of September 28, 2022.

Special meeting of September 30, 2022.

5. ODPa STAFF MEMBERS' REPORT

Complaint status report.

6. BOARD MEMBERS' REPORTS (5 minutes)

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) (5 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. Dissolve or renew Director Search Subcommittee. (Tabled until new Director is hired.)
- b. Regulations Subcommittee – see Item #9.a. below. (Look at 9-14-22 PAB packet, pp 13-35.)
- c. Controlled Equipment Subcommittee. (Welcome more Board members to join.)
- d. Police Chief Process (ad hoc) Subcommittee

9. OLD BUSINESS (discussion and action)

- a. Finalize review of draft proposed permanent Regulations for Handling Investigations and Complaints. (1 hour)

10. NEW BUSINESS (discussion and action)

- a. PAB Social Event. (Julie Leftwich)

11. 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.)

12. 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.

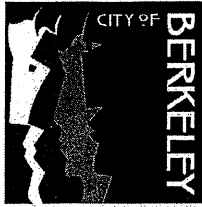
SB 343 Disclaimer

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
OCTOBER 12, 2022**

<u>MINUTES</u>	
September 28, 2022 Regular Meeting Draft Minutes	Page 7
September 30, 2022 Special Meeting Draft Minutes	Page 11
<u>AGENDA-RELATED</u>	
Item 8. – 10-3-2022 PAB Subcommittee List.	Page 13
<u>COMMUNICATIONS</u>	
2022-09-29 Email re Serious : Inquiries.	Page 15
2022-09-29 Email from the San Francisco Department of Police Accountability re Thank You for Attending their quarterly meeting on Sept. 7, 2022.	Page 17
2022-09-30 Email re 'public servants.'	Page 19



DRAFT

OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
MINUTES
(draft)

Wednesday, September 28, 2022, 7:00 P.M.

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

1. CALL TO ORDER & ROLL CALL BY VICE CHAIR MIZELL AT 7:06 P.M.

Present: Board Member Nathan Mizell (Vice-Chair) (NM)
Board Member Kitty Calavita (KC)
Board Member Regina Harris (RH)
Board Member Deborah Levine (DL)
Board Member John Moore (JM)
Board Member Cheryl Owens (CO)
Board Member Ismail Ramsey (IR)

Absent: Board Member Juliet Leftwich (JL)

ODPA Staff: Jose De Jesus Murillo

BPD Staff: Lt. Daniel Montgomery

-
- ODP staff, Jose Murillo, introduced himself to the board.
 - Vice Chair Mizell notifies PAB that he will leave after Item 6.

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Owens/Moore) **Motion Carried**

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

- Item 9.a. tabled due to pending information from City Attorney
- Item 10.a. tabled due to absence of Board Member Leftwich

Noes: None

Abstain: None

Absent: Leftwich

3. PUBLIC COMMENT (TIME SPEAKERS)

2 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of September 14, 2022
Moved/Second (Calavita/Harris) **Motion Carried by general consent.**

5. ELECTION OF NEW CHAIRPERSON AND VICE-CHAIR PERSON

Nominees: Nathan Mizell, John Moore, Cheryl Owens.

- Vice Chair Mizell announces he is pulling himself out of the nomination but will remain as Vice Chair.
- Board Member Moore provides 2-minute statement
- Board Member Owens provides 2-minute statement

Vice Chair Mizell, as presiding chair, opens the floor for questions:

- No Questions

Vice Chair Mizell, as presiding chair, initiates roll-call vote:

<u>Board Member</u>	<u>Vote</u>
Nathan Mizell.....	John Moore
Kitty Calavita.....	John Moore
Regina Harris.....	Cheryl Owens
Deborah Levine.....	John Moore
John Moore.....	Abstains
Cheryl Owens.....	Cheryl Owens
Ismail Ramsey.....	John Moore

Results

John Moore.....	4
Cheryl Owens.....	2
Abstention(s).....	1

Board Member John Moore is the new PAB Chair.

6. BOARD MEMBERS' REPORTS

Vice-Chair Mizell reports the following:

- He has had a conversation with the City Attorney's office and Anthony Rodriguez of the Mayor's office regarding a memo seeking to analyze the

charter and PAB powers. Board should expect to have an answer in the next couple of weeks, likely to be in a confidential format.

- He has received a communication from the City Manager's office regarding the Police Chief hiring process. Has been invited to the interview panel for Thursday, October 6th from 1- 5 pm. He is concerned if the hiring process for the new police chief has followed the charter. Suggests PAB should have a discussion to look into this matter.

In response to Vice-Chair Mizell's report:

- Board members share concerns about the PAB's involvement in the hiring process of the police chief and being bypassed in other important processes.
- Deputy City Attorney James Chang advises the Board that they must schedule a special meeting to be able to convene about the PAB's next steps in regard to the Police Chief hiring process. Notes 24-hour notice must be provided.

Vice Chair Mizell steps away from the meeting, new PAB Chair Moore takes over the meeting.

7. CHIEF OF POLICE'S REPORT

Lt. Daniel Montgomery reported:

- Oakland Police Department (OPD) had a shooting incident near a school. It was initially thought to be a school shooting so OPD called for emergency support. Berkeley Police Department (BPD) was able to aid but were called off when further information revealed the shooting was near the school and it was not an active shooter situation.
- On a related note, all BPD officers are being updated on active shooter training to make sure department is prepared.
- Statistics on gun related crime through August of 2022 will be shared with the public soon.
- BPD continues to have staffing issues. Currently have 150 offices from which 13 officers are injured, 3 are still in the academy, and there are several other leaves. BPD only has 130 officers currently available.
- Only 7 new applicants for BPD jobs. No current incentives.

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. Dissolve or renew Director Search Subcommittee. (Tabled until new Director is hired.)

Tabled until more information is available.

- b. Regulations Subcommittee – see Item #9.a. below. (Look at 9-14-22 PAB packet, pp 13-35.)

Tabled until more information is available.

c. Controlled Equipment Subcommittee. (Welcome more Board members to join.)

Chair Moore believes this subcommittee should be continuous and welcomes participation from other board members. The subcommittee is not yet ready for the public as more knowledge is needed.

d. Fair and Impartial Policing Implementation

Preparations are being made to start hosting meetings. Information on that meeting will be available in a couple of weeks.

9. ~~OLD BUSINESS (discussion and action)~~

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

~~Motion to~~

~~TABLED~~

~~Moved/Second (_____/_____) **Motion Carried / Failed**~~

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

~~Noes: None Abstain: None Absent: Leftwich~~

10. ~~NEW BUSINESS (discussion and action)~~

a. ~~PAB Social Event. (Julie Leftwich)~~

~~Motion to~~

~~TABLED~~

~~Moved/Second (_____/_____) **Motion Carried / Failed**~~

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

~~Noes: None Abstain: None Absent: Leftwich~~

11. PUBLIC COMMENT

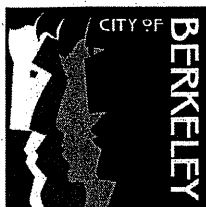
0 speakers.

12. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Second (Levine, Calavita)

By general consent, the meeting was adjourned at 8:41 PM.



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

DRAFT

POLICE ACCOUNTABILITY BOARD
SPECIAL MEETING
MINUTES
(draft)

Friday, September 30, 2022, 1:00 P.M.

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

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

Present: Board Member John Moore (Chair)
Board Member Nathan Mizell (Vice-Chair)
Board Member Kitty Calavita
Board Member Juliet Leftwich
Board Member Deborah Levine
Board Member Cheryl Owens

Absent: Board Member Regina Harris
Board Member Ismail Ramsey

ODPA Staff: Jose Murillo, Associate Management Analyst

BPD Staff: Lt. Daniel Montgomery

CA Staff: Farimah Brown, City Attorney
James Chang, Deputy City Attorney

Motion to approve the agenda

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

2. PUBLIC COMMENT

0 Speakers

3. NEW BUSINESS

Discussion on the creation of a subcommittee for the Police Chief Interview Process.

Motion to impanel a subcommittee for the purpose of interviewing candidates for the Police Chief on October 6, 2022.

Moved/Second (Levine/Calavita) **Motion Carried, 5 Ayes to 1 Noes**

Ayes: Moore, Calavita, Leftwich, Levine, and Owens

Noes: Mizell Abstain: None Absent: Harris, Ramsey

Discussion regarding the hiring process for the City's new Police Chief and concerns from the PAB.

Motion for the PAB to request that the City Manager, or a representative familiar with the matter, attend the subcommittee meeting before the October 6, 2022 interviews of the police chief candidates.

Moved/Second (Mizell/Moore) **Motion Carried by general consent.**

Ayes: Calavita, Leftwich, Levine, Mizell, Moore, and Owens

Noes: None Abstain: None Absent: Harris, Ramsey

Motion for the Chair to meet with the City Manager and for the PAB to write a letter to the City Manager's office, cc'ing City Council, to express the Board's concerns as to its involvement, or lack thereof, in processes enumerated in the city charter.

Moved/Second (Calavita/Leftwich) **Motion Carried, 5 Ayes to 1 Noes**

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

Noes: Owens Abstain: None Absent: Harris, Ramsey

4. PUBLIC COMMENT

1 Speaker

5. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Second (Levine/Calavita) By general consent, the meeting was adjourned at 2:25 pm.

**POLICE ACCOUNTABILITY BOARD
SUBCOMMITTEES LIST**

10-3-2022

Subcommittee	Board Members	Chair	BPD Reps
Regulations Formed 7-7-21 Renewed 6-22-22	Calavita Leftwich Owens <u>Public:</u> Kitt Saginor		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 Renewed 9-14-22	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		
Controlled Equipment Use & Reporting Formed 5-11-22	Moore Ramsey	Moore	Sgt. Peter Lee Sgt. Joe LeDoux
Chief of Police Process Formed 9-30-22	Leftwich Levine Mizell Moore		

Martinez, Maritza

From: DEEJAY IMORTAL <djimortal@gmail.com>
Sent: Thursday, September 29, 2022 4:50 AM
To: Office of the Director of Public Accountability
Subject: Re: Automatic reply: SERIOUS : INQUIRIES

Sir / ma,

We were in the meeting yesterday at 7pm pdt. Congratulations to the new chair John moore and know that we are moving upward and forward into everywhere and beyond

Blessings ,
APOSTLE VICTOR

On 15 Sep 2022 3:34 p.m., "DEEJAY IMORTAL" <djimortal@gmail.com> wrote:

Sir / Ma ,

The Lord asked us to say this "Police accountability should be in every state of the United states of America and every country in the world. Police Accountability is most especially needed by the police, so the police have people they answer to. Same shall happen for the military .

Blessings ,

Apostle Victor

On Thu, 15 Sep 2022 11:33 DEEJAY IMORTAL, <djimortal@gmail.com> wrote:

Hey ,

Its time for the meeting. when are we starting ?

BLESSINGS,

DEEJAY IMORTAL

On Thu, Sep 8, 2022 at 7:34 AM Office of the Director of Public Accountability
<OfficeoftheDirectorofPoliceAccountability@cityofberkeley.info> wrote:

Mr. Imortal,

Thank you for asking. We have a meeting scheduled on September 14 but are not sure if it is happening. Please check again on September 13.

Maritza G. Martínez

Office of the Director of Police Accountability

1947 Center St. – 5th floor

Berkeley, CA 94704

(510) 981-4950

mmartinez@cityofberkeley.info

**The Police Accountability Board and the Director of Police Accountability replaced the Police Review Commission as of July 1, 2021.*

From: DEEJAY IMORTAL <djimortal@gmail.com>

Sent: Thursday, September 08, 2022 4:42 AM

To: Office of the Director of Public Accountability <OfficeoftheDirectorofPoliceAccountability@cityofberkeley.info>

Cc: Lee, Katherine <KLee@cityofberkeley.info>

Subject: Re: Automatic reply: SERIOUS : INQUIRIES

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.

Hey ,

When is the next meeting of Police Accountability to be held ?

BLESSINGS,

DEEJAY IMORTAL

On Wed, Sep 7, 2022 at 8:35 PM Lee, Katherine <KLee@cityofberkeley.info> wrote:

From: San Francisco Department of Police Accountability <nicole.armstrong@sfgov.org>
Sent: Thursday, September 29, 2022 10:09 AM
To: Office of the Director of Public Accountability
Subject: Thank You

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Thank You for Attending

Dear attendee:

Thank you so much for taking the time out of your busy schedule to attend our quarterly meeting on September 7, 2022. I hope you found this quarter's topics engaging and useful to highlight the very important work of civilian oversight agencies and how our work extends beyond the.

This quarter, we heard from DPA's Director of Training and Staff Attorney, Stephanie Wargo-Wilson. Ms. Wargo-Wilson introduced you to the cases that govern how litigants gain access to civilian oversight records, specifically, *Pitchess*, *Henthorn*, and *Stiglitz*.

We also heard from civil rights attorney Adante Pointer how our efforts and even our records show up in civil rights litigation. Mr. Pointer also shared some of the most heartbreaking officer-involved shooting cases he personally handled to date.

I hope each of your agencies garnered something helpful from the discussions of how our collective work has repercussions in criminal cases, civil cases, and administrative hearings.

If you have any follow up questions for our guest speakers, Ms. Wargo-Wilson can be reached at: Stephanie.Wargo-Wilson@sfgov.org or (415) 241-7795. Mr. Pointer can be reached at apointer@lawyersftp.com or (510) 929-5400.

Megan Macklin, Associate Director of Campus Climate and Inclusion Initiatives at UC Davis and member of UC Davis's Police Accountability Board (PAB) is working with the **Red Door Project**, a theater company out of Portland, OR, to present two workshops in early November 2022, the [Evolve Experience](#).

These workshops (11/8/22 from 4-8pm and 11/9/22 from 11am-2pm) will be held at the [Mondavi Center for the Performing Arts at UC Davis](#). The workshops pair theatrical performance and reflective activities/conversations about biased policing and criminal justice reform. Please see the [Evolve Experience site](#) for additional information, including local accommodations, testimonials, videos and registration and pricing information.

Our next quarterly meeting will occur tentatively **on Tuesday, December 6, 2022. I will send out a save the date email at least one month in advance.** At our next meeting, we anticipate more exciting and vigorous conversations, including a presentation from our own Director of Mediation, Alexandra Schultheis, about DPA's award-winning mediation practices.^[1] I hope you can join us, and I look forward to seeing you all again.

[1] DPA, previously known as OCC, the Officer of Citizen Complaints, was awarded the Community Boards Award for Excellence in ADR Practices.

n.

Sincerely,
Paul D. Henderson
Executive Director
(415) 241-7720



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Martinez, Maritza

From: Tom Dirkx <tomdirkx@aol.com>
Sent: Friday, September 30, 2022 11:01 AM
To: Manager, C; City Attorney's Office; Berkeley Mayor's Office; Delfin Polk, Dyana; Elgstrand, Stefan; Skjerping, Lars; McCormick, Jacquelyn; BPD Webmail; Cummings, Rashawn D.; Office of the Director of Public Accountability
Subject: Reagan was right!

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.

Your people proved it!!

The scariest words known to man are: I'm from the gubmint and I'm here to help. HAH!

The greatest service those videos provided is to the families, neighbors, colleagues and especially kids of those miserable beings you call 'public servants'. Now they get to see what kinda JERKS & TYRANTS you guys employ.

That idiotic entitlement of your 'public servants'. The disdain for us, the public. The disrespect for We, The People. The take Me, the Tax-Payer, for granted attitude. And YOU're responsible! Or shall we blame the lack of training on the Free Press?? The cool thing is that everyone gets to see your lil jerks and tyrants for the rest of their lives. FANTASTIC!!!

At least have the decency to send back the TAX-DOLLARS, We, the People, provided you with, cuz, as we can all see for ourselves, that's obviously a giant waste. Have some dignity; send back our money!!

Tom Dirkx

Veteran (meaning; I wore the Uniform and fought to protect our Constitution) and very concerned Citizen!

Oh, and fire those oxygen-thieves! I realize that, as the gubmint, you're scraping the bottom of the barrel with those idjuts but you can do better than this!

Reagan was right; thx for reminding us!!!

