



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
MINUTES
(approved)

Wednesday, September 8, 2021
7:00 P.M.

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

1. CALL TO ORDER & ROLL CALL BY CHAIR RAMSEY AT 7:02 P.M.

Present: Board Member Ismail Ramsey (Chair)
Board Member Michael Chang (Vice-Chair)
Board Member Kitty Calavita
Board Member Regina Harris
Board Member Juliet Leftwich
Board Member Deborah Levine
Board Member Nathan Mizell
Board Member John Moore
Board Member Cheryl Owens (left 10:28 due to internet outage)

Absent: None

ODPA Staff: Katherine J. Lee, Interim Director of Police Accountability; Byron Norris, DPA Investigator

BPD Staff: Chief Jen Louis, Lt. Rob Rittenhouse, Lt. Dan Montgomery, Sgt. Darren Kacalek (BPA), Ofc. Matthew Valle (BPA)

2. APPROVAL OF AGENDA

Motion to approve the agenda as modified, to postpone Item #10.b. and hear Item #10.a. before Item #9.a.

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

3. PUBLIC COMMENT

(Heard following Item #5.)

There were 7 speakers.

4. APPROVAL OF MINUTES

Motion to approve Special Meeting minutes of August 4, 2021.

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

5. CHAIR'S REPORT

Chair Ramsey reported: Mayor's Task Force on Fair & Impartial Policing recently met with the Mayor, Police Chief, and others re the recommendations by the Council. Still moving forward and will look into transitioning into the PAB subcommittee.

Board member Mizell reported on the Reimagining Public Safety Task Force: Did not meet in August. Meeting 6:00 p.m. tomorrow night – will hear presentation from Berkeley Copwatch and from NICJR on alternative response report; Task Force has been reviewing draft and will be providing input. Encourage members of public to attend.

6. DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT

The Interim Director introduced Elisa Batista, the appointed alternate Board member, who introduced herself.

The Interim Director reported:

-- No new complaints since the last meeting. Two *Caloca* appeals still pending; one to be argued in a couple weeks.

-- Agenda packet includes the letter PAB sent to the Council regarding mandatory vaccines for Police Department employees; since then, the City issued mandate that all employees be vaccinated or tested regularly, and the matter is in meet-and-confer with all unions.

-- Hate crimes response and reporting referral from the Council – elements were referred to the PAB and will be agendized soon.

-- PAB members who would like a stipend should forward forms to our office. Will begin processing quarterly except for the Board member requesting monthly payments.

7. CHIEF OF POLICE'S REPORT

Interim Chief Louis reported:

-- Recent shootings: 29 so far this year; many in West Berkeley. Investigators actively working the cases, and BPD increasing connection with community -- working with Councilmembers; doing events and problem-solving with neighborhoods. Bike team and patrol increasing presence.

-- This year to date 135 calls involving a firearm. To date recovered 70 guns; achieved 3 primary ways: 1) response to call for service; 2) traffic enforcement; 3) detective work/search warrants. 17 recovered were ghost guns.

-- Cases of interest: 1) City Manager approved \$50K reward in hit-and-run death on Telegraph in June. 2) School Resource Officer contacted by Berkeley High staff re someone hacking into students' phones, obtaining compromising photos, and extorting the students. Many search warrants written and served. End of August

DA charged suspect on several counts. 3) Report of elderly man in distress at a Shattuck Ave. encampment. Unresponsive due to possible fentanyl OD, so officers administered Narcan; after 2 doses, man revived.

-- Pedestrian and bike safety a community concern. Enforcement requested re heavy trucks not following established truck routes; creates danger and damages roadway. Conducted enforcement with CHP this morning along Cedar and Milvia.

-- PAB training: goal is to provide strong foundation in the work the BPD does and how apply law and policy. As trainings go along, if want something more depth or detail, let her know. Spoke with Board member Calavita about sharing trainings BPD undergoes.

-- Staffing. Authorized for 157 sworn. Currently 153 due to retirements, resignations. Includes 3 in academy, who won't be alone on street until April 2022 at the earliest. With all initiatives going on, want to keep community safe.

Interim Chief Louis answered questions from the Board members.

8. SUBCOMMITTEE REPORTS (discussion and action)

a. Fair & Impartial Policing Implementation – appointment of public member/s.

George Lippman, Elliot Halpern, and Jamie Crook spoke regarding their qualifications for and interest in serving on this subcommittee. With no objections, Chair Ramsey appointed all three to this subcommittee.

b. Director Search – update. Human Resources Director LaTanya Bellow answered questions of role of subcommittee.

Motion to allow public members on the Director Search Subcommittee Moved/Second (Calavita/Moore) Motion Carried by general consent.

Rivka Polatnick and Marc Staton spoke regarding their qualifications for and interest in serving on this subcommittee. With no objections, Chair Ramsey appointed both to this subcommittee.

9. OLD BUSINESS (discussion and action)

a. i.) Reaffirm Board's August 4, 2021 action to send Interim Regulations for Handling Complaints Against Sworn Officers of the Police Department to the City Council for approval, subject to modification or withdrawal based on City Attorney's analysis.

(Heard following Item #10.a.)

Discussion; no action taken.

(10:06 – 10:15: Meeting interrupted due to technological problem.)

ii.) Hear and consider analysis from City Attorney's Office regarding lawful changes to hearing process to correct imbalances, and revise Interim Regulations and accompanying report to Council as necessary.

(Postponed to the next meeting; analysis not yet ready.)

- b. Consider forming subcommittee for outreach activities.
(Postponed to the next meeting.)

10. NEW BUSINESS (discussion and action)

- a. Presentations from representatives of the Human Resources Department and City Attorney's Office regarding the meet-and-confer process with labor unions.
(Heard following Item #8.b.)
Human Resources Director LaTanya Bellow and Deputy City Attorney Sam Harvey spoke and answered questions from Board members.
- b. Training: Police Department organization; roles and responsibilities of Divisions and staff; chain of command.
(Postponed to the next meeting.)
- c. Discuss and adopt permanent Standing Rules for the Board's conduct of business.
(Postponed to the next meeting.)

11. PUBLIC COMMENT

There were 3 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 PRC will recess into closed session to discuss and take action on the following matter:

12. CONSIDER REVISED RECOMMENDATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2487

Motion to approve Complaint for administrative closure.

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

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

Noes: None

Abstain: None

Absent: Owens

End of Closed Session

13. ANNOUNCEMENT OF CLOSED SESSION ACTION

The vote to administratively close Complaint #2487 was announced.

14. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Second (Mizell/Moore) **By general consent, the meeting was adjourned at 10:35 p.m.**