



OFFICE OF THE DIRECTOR  
OF POLICE ACCOUNTABILITY

*Katherine J. Lee*

**POLICE ACCOUNTABILITY BOARD**  
REGULAR MEETING  
**MINUTES**  
*(approved)*

**Wednesday, October 13, 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 7:03 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 Cheryl Owens

Absent: Board Member John Moore

ODPA Staff: Katherine J. Lee, Interim Director of Police Accountability

BPD Staff: Chief Jen Louis, Lt. Dan Montgomery, Ofc. Matthew Valle (BPA)

**2. APPROVAL OF AGENDA**

**Motion to approve the agenda, modified to move second public comment just before Closed Session and move Item #10.b., training, to after Closed Session, time permitting.**

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

**3. PUBLIC COMMENT**

There were no speakers.

**4. APPROVAL OF MINUTES**

a. Regular meeting of September 22, 2021.

**Motion to approve Regular Meeting Minutes of September 22, 2021**  
Moved/Second (Calavita/Leftwich) **Motion Carried by general consent.**

b. Regular meeting of September 29, 2021.

**Motion to approve Regular Meeting Minutes of September 29, 2021**  
Moved/Second (Harris/Calavita) **Motion Carried by general consent.**

## **5. CHAIR'S REPORT**

Chair Ramsey reported:

-- Last week Council approved Interim Regulations for handling complaints, passing two of the proposals suggested by the PAB and postponing consideration of the third.

-- Reminder about 40-hour training requirement. Ride-alongs a good way to get hours in.

Board member Mizell update on Reimagining Public Safety Task Force: Next meeting tomorrow, 6:00 p.m. Dr. Lisa Warhuus, Director of Health, Housing & Community Services, to speak on mental health operations and mobile crisis team. Consultant NICJR to issue draft of final report soon and schedule town hall meetings.

## **6. DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT**

(Heard following Item #7.) The Interim Director reported:

-- No new complaints filed since the last meeting. Filed brief in 2<sup>nd</sup> pending Caloca appeal; hearing next week.

-- Updated website to reflect new deadline for filing. Need to update re who may file.

-- Reminder for Board members to return forms needed for stipends; staff beginning to process for the past quarter.

## **7. CHIEF OF POLICE'S REPORT**

Interim Chief Louis reported:

-- Staffing: 3 recruit officers will finish academy training in Dec. and 4 more recruits will start academy this month. If pass field training, earliest on street will be mid-2022. Near or at authorized staffing level, although 15 officers now eligible to retire; with another 7 eligible in the next 6 months.

-- Just opened police officer recruit hiring process. Will send to ODP for distribution; please share.

-- Training: CIT training – every officer has some level of CIT; committed to getting all through 40-hour training in Oakland. Just approved 3 or 4 to attend.

-- Cases of interest. In last 4 days recovered 4 guns, 3 of them ghost guns.

-- Hate crimes referral. One step is a community engagement video with information about what constitutes a hate crime and how to report it. Board member Chang participating

The Interim Chief answered questions from Board members.

## 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 – met Oct. 7. BPD Sgt. Lee was present. Overview of recommendations from Council. Need info from BPD, coming Oct. 19: F&IP update and data analysis. Discussed Early Intervention System and training component -- enhance implicit bias training and CIT.
- b. Director Search. Interim Director reported that scope of services for recruiting services just finalized.
- c. Regulations – met Oct. 12. Discussed City Council vote last Tuesday; whether documents can be redacted instead of completely excluded under Penal Code sec. 832.7; symmetry in the hearing process. Next meeting Nov. 2 at 6:30 p.m.

## 9. OLD BUSINESS (discussion and action)

- a. Questions to City Attorney's Office regarding the confidential memo on the obligation to meet and confer over provisions of the Interim Regulations for handling complaints against sworn officers: 1) whether the City Attorney can meet with the PAB in closed session to discuss the memo; 2) can an executive summary can be produced for released to the public; 3) may the PAB as client waive attorney-client privilege so the memo can be made public.

Deputy City Attorney Sam Harvey spoke and answered questions.

- b. Status of memo from City Attorney's office regarding lawful changes to hearing process to correct imbalances.

Deputy City Attorney Harvey reported that the memo is forthcoming.

- c. City Attorney conflict-of-interest issues.

Deputy City Attorney Harvey spoke and answered questions.

**Motion to ask the City Attorney to provide written analysis of conflicts of interest in relation to the regulations of the Police Accountability Board.**

Moved/Second (Leftwich/Chang) **Motion Carried**

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

Noes: None

Abstain: None

Absent: Moore

- d. Continue discussion and adopt permanent Standing Rules for the Board's conduct of business

**Motion to delete Section C.2., limiting the number of items a Board member may place on any one agenda.**

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

Ayes: Calavita, Leftwich, Levine, Mizell, Owens.

Noes: Chang, Harris, Ramsey Abstain: None Absent: Moore

**By general consent, the Board agreed to substitute “member of the public” for “civilian” in Section G.1.**

**By general consent, the Board agreed to revise Section G.1.a) to read, “Policy complaints should be reviewed by staff and brought to the Board for discussion and action within 30 days of filing or the next regular meeting of the Board if the 30 days has expired.”**

**By general consent, the Board agreed to revise the beginning of Section I.1, to read, “Elections shall be held in the second January meeting of each year. In the Board meeting preceding the election meeting, Board members shall nominate other members or themselves.”**

**Motion to adopt the version of the Standing Rules in the packet, as redlined, except as further revised during this meeting.**

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

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

Noes: None Abstain: None Absent: Moore

- e. Policy complaint – Determine how to proceed on policy Complaint #7.

*Postponed to the next meeting.*

#### **10. NEW BUSINESS (discussion and action)**

- a. Review and answer questions about Interim Regulations for handling complaints, approved by City Council Oct. 5, 2021.

Discussed; no action taken.

- b. Training: Procedural justice as practiced by BPD;  
OR Quasi-judicial obligations of the Board.

*Postponed.*

### **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):

#### **11. CONSIDER RECOMMENDATION FOR ADMINISTRATIVE CLOSURE OF COMPLAINT #3**

**Motion to postpone until body-worn camera footage can be viewed.**

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

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

Noes: None

Abstain: None

Absent: Moore

**12. CONSIDER RECOMMENDATION FOR ADMINISTRATIVE CLOSURE OF COMPLAINT #8**

**Motion to postpone to the next meeting, for staff to return with a report as to whether police responded.**

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

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

Noes: None

Abstain: None

Absent: Moore

<b>End of Closed Session</b>
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**13. ANNOUNCEMENT OF CLOSED SESSION ACTION**

The above actions were announced.

**14. PUBLIC COMMENT**

*(Heard before Closed Session.)*

There were 3 speakers.

**15. ADJOURNMENT**

**Motion to adjourn the meeting.**

Moved/Second (Leftwich/Mizell) **By general consent, the meeting was adjourned at 10:45 p.m.**