



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
MINUTES
(approved)

Wednesday, November 10, 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) (7:10 p.m. - 8:00 p.m.)
Board Member Kitty Calavita
Board Member Regina Harris
Board Member Juliet Leftwich
Board Member Deborah Levine (arrived 7:50 p.m.)
Board Member John Moore
Board Member Cheryl Owens

Absent: Board Member: Nathan Mizell

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

BPD Staff: Lt. Rob Rittenhouse

2. APPROVAL OF AGENDA

Motion to approve the agenda as modified to postpone Item #9.d. (viewing bod-worn camera footage) and #12 (administrative closure in Complaint #3). Moved/Second (Calavita/Leftwich) Motion Carried by general consent.

3. PUBLIC COMMENT

7 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of October 27, 2021 Moved/Second (Leftwich/Calavita) Motion Carried by general consent.

5. CHAIR'S REPORT

Chair Ramsey reported:

- Reminder to Board members to arrange for their ride-alongs.
- Board's letter to Chief for presentation on Fair & Impartial implementation was sent last week.
- Vice-Chair Chang reported about his participation in a BPD public service announcement on hate crimes reporting; he did a brief account of the difference between hate violence and hate crimes.

6. DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT

The Interim Director reported:

- No new complaints filed since the last meeting.
- Reminder re special meeting Nov 17 for a couple training topics.
- Draft final report on Reimagining public safety in Berkeley issued and included in packet; also included is info about 4 community meetings.
- Standing Rules mailed with packet.
- Item re ALPR (Automated License Plate Readers) presented to Council's Public Safety Police Committee is also in packet, as well as a community report.
- Included Berkeleyside article in packet regarding events in Berkeley in the 1970s; includes a brief description of the genesis of the Police Review Commission.

7. CHIEF OF POLICE'S REPORT

Lt. Rittenhouse reported on behalf of Interim Chief Louis:

- Last week there was a solo vehicle accident at the Marina resulting in a death.
- Currently 155 sworn officers. One lateral returned to BPD.
- Training – Another 4-hour update on Fair & Impartial Policing was held.

Lt. Rittenhouse answered questions from Board members.

Motion to suspend the rules and take up Item #10.b. next.

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

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 Nov. 4. Chief has been invited to address the Board.
- b. Director Search – Meeting being scheduled.

- c. Regulations – Met Nov. 2 and Nov. 9. Working hard.

9. OLD BUSINESS (discussion and action)

- a. Follow-up on whether the City Attorney’s Office has determined it can meet in closed session with the PAB regarding the confidential memos on: 1) the obligation to meet and confer over provisions of the Interim Regulations for handling complaints against sworn officers; and 2) lawful changes to the hearing process to correct imbalances.

Chair reported on meeting with City Attorney, Deputy City Attorney and Interim Director.

- b. Further report on City Attorney conflict-of-interest issues. See above report.
- c. Policy complaint – Determine how to proceed on policy Complaint #7.

Motion to form subcommittee to review policies implicated in Policy Complaint #7.

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

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

Noes: None

Abstain: None

Absent: Chang, Mizell

Chair Ramsey appointed Board members Levine and Harris to the Subcommittee.

To be continued at the next meeting for possible additional Board and public member appointments.

- d. Revision of Policy 425, Body Worn Cameras, to broaden access by PAB and ODPa.

Postponed to the next meeting.

10. NEW BUSINESS (discussion and action)

- a. Proposal for Board members to fulfill training requirements in part by reading materials on recommended list.

Discussed. Interim Director to report back.

- b. Update from Interim Chief Louis regarding the October 15 incident involving a gun on the Berkeley High campus.

(Heard following Item #7.)

Lt. Rittenhouse reported on the incident and answered questions.

- c. Training: Quasi-judicial obligations of the Police Accountability Board.

Presentation made and questions answered by Interim Director Lee.

11. PUBLIC COMMENT

No 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. CONSIDER RECOMMENDATION FOR ADMINISTRATIVE CLOSURE OF COMPLAINT #3

Postponed to the next meeting.

13. CONSIDER RECOMMENDATION FOR ADMINISTRATIVE CLOSURE OF COMPLAINT #9

Motion to approve Complaint for administrative closure.

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

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

Noes: None

Abstain: None

Absent: Chang, Mizell

14. CONSIDER FINDINGS AND RECOMMENDATIONS OF INTERIM DIRECTOR IN COMPLAINT #4 AND DECIDE WHETHER A HEARING IS NEEDED

Motion to approve the Interim Director's findings and recommendations.

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

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

Noes: None

Abstain: None

Absent: Chang, Mizell

End of Closed Session

15. ANNOUNCEMENT OF CLOSED SESSION ACTION

The actions to postpone Item #12, close Complaint #9, and accept the Director's findings and recommendations in Complaint #4 were announced.

16. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Second (Leftwich/Calavita) **By general consent, the meeting was adjourned at 10:17 p.m.**