



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
MINUTES
(approved)

Wednesday, February 9, 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 7:01 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 Ismail Ramsey

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

BPD Staff: Lt. Rob Rittenhouse, Sgt. Sean Ross (BPA)

2. APPROVAL OF AGENDA

Motion to approve the agenda.

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

3. PUBLIC COMMENT

4 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Minutes of January 26, 2022

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

5. CHAIR'S REPORT

Chair Chang reported: His first meeting as chair and thanks to past chair Ramsey. Among important values are transparency, due process and the rule of law.

Board member Calavita reported on Police Chief recruitment by Avery Associates. She is on Steering Committee of community members.

Vice Chair Mizell reported on Reimagining Public Safety Task Force: Meeting tomorrow (possibly last one) at 6:00 p.m.; working on draft response to NICJR report. March 10 Worksession with Council.

6. DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT

The Interim Director reported:

- No new complaints filed since the last meeting. First hearing panels last week.
- ODPa staffing: been in process to hire temporary investigator and now will extend into hiring permanent investigator to replace retiring investigator.
- Amendments to Standing Rules are going before Council March 8.
- Ofc. Peter Lee called to give a heads up about the BPD's first annual report under the Controlled Equipment Ordinance; required to be presented to PAB before going to Council.
- Training: Pocket Guides to POBRA arrived and being sent to Board members. Director will send a new form for Board members to log training and return at the end of the quarter.
- Stipends in process for last quarter of 2021.

7. CHIEF OF POLICE'S REPORT

Lt. Rittenhouse reported on behalf of Interim Chief Louis:

- No change in staffing.
- Recent case: response to 2500 block of Telegraph of man in distress with a knife; officers de-escalated and resolved in 25 minutes without force.
- Update on Fair & Impartial Policing items will go to Council by the end of this week.

Lt. Rittenhouse 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. Chair Calavita: met on Feb. 3; next meeting Feb 22. Been seeking copies of certain draft documents.
- b. Director Search. Chair Levine: met last Weds. and will meet again next week. Want to reach out to the recruiting firm and see how they can contribute more. Working on getting a timeline.
- c. Regulations. Chair Chang: Have gone through the entire draft regulations once and will review once more.

- d. Mental Health Response (Policy Complaint #7). Chair Levine: met today; want more people to participate.

9. OLD BUSINESS (discussion and action)

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

Discussed; continued to the next meeting.

- b. Automated License Plate Readers (ALPRs): Review BPD's proposed ALPR Use Policy, and proposed revisions from Councilmember Harrison and Councilmember Taplin, and provide feedback.

Discussed; continued to the next meeting.

10. NEW BUSINESS (discussion and action)

- a. Consider inviting BUSD administrators to address the Board regarding the BUSD's threat assessment protocols and engagement with the BPD's School Resource Officer at Berkeley High, in light of October 15, 2021, and January 19, 2022 incidents.

Postponed indefinitely.

- b. Review Policy 351, Public Safety Fixed Video Surveillance Cameras.

Motion to have Board member Calavita write to the Council, with a copy to the City Manager and Police Chief, advising that the PAB needs time to review Policy 351.

Moved/Second (Levine/Leftwich)

Friendly amendment by Ramsey, accepted by Levine and Leftwich:
To also establish a subcommittee to review the policy

Motion, as amended, Carried

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

Noes: None

Abstain: None

Absent: None

- c. Consider forming a subcommittee to assist with the preparation of a PAB budget proposal.

(Board members Owens, Levine and Harris were appointed, but the Board did not establish the subcommittee. To be re-agendized.)

- d. Lexipol Policies: 1) Update on status; 2) Consider forming a subcommittee to review Lexipol policies.

Discussed; continued to the next meeting.

- e. Response to Chief Louis regarding drafts requested, relating to fair and impartial policing implementation.

Motion to authorize Board member Calavita, as Fair & Impartial Implementation Subcommittee Chair, to meet in person with Chief Louis to discuss the documents the PAB has requested.

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

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

Noes: None

Abstain: None

Absent: None

11. PUBLIC COMMENT

3 speakers.

Closed Session

The Board will convene in closed session to meet concerning the following:

12. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Designated representatives: Katherine Lee, Interim Director of Police Accountability; Timothy L. Davis, Labor Negotiator

Employee organization: Berkeley Police Association

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:

13. TENTATIVE AND FINAL DECISIONS IN COMPLAINTS #1, 2, AND 4

End of Closed Session

14. ANNOUNCEMENT OF CLOSED SESSION ACTION

No reportable action taken.

15. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Second (Owens/Leftwich) **By general consent, the meeting was adjourned at 10:27 p.m.**