



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

Katherine J. Lee

POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
MINUTES
(approved)

Wednesday, May 11, 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 7:02 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 (arrived 7:20 p.m.)

Absent: None

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

BPD Staff: Interim Chief Jennifer Louis; Lt. Melanie Turner

2. APPROVAL OF AGENDA

Motion to approve the agenda.

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

3. PUBLIC COMMENT

4 speakers.

4. APPROVAL OF MINUTES

Special meeting of April 27, 2022.

Motion to approve Special Meeting Minutes of April 27, 2022

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

5. CHAIR AND BOARD MEMBERS' REPORTS

Chair Chang: no report.

Board member Calavita no report on Police Chief Search: no report.

6. DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT

The Interim Director reported:

- One new complaint filed since the last meeting.
- Investigator Byron Norris is now gone [retired] but we now have Investigator Thomas.
- Budget presentation to the Council Budget Committee went pretty well.
- Council began regular hybrid meetings last night; for now, Council policy committees and board and commissions will continue to meet virtually.
- Will be participating in an interview panel for the Sonoma Co. Director of Independent Office of Law Enforcement and Outreach on Friday.
- Got a preview of the BPD's new Transparency Hub this afternoon.

7. CHIEF OF POLICE'S REPORT

Interim Chief Louis reported:

- Dept's Transparency Hub is close to going live. Will incorporate data currently on Open Data Portal; use of force data, stop data; yield rates. Will be updated daily. Snapshots provided but data also filterable. Got feedback from stakeholders and Board welcome to provide further feedback.
- Cases of interest.
 - April 16 minivan owner carjacked, with BHS mountain bike team's bikes. Following investigation, suspects arrested May 2 per BPD detectives' search warrant.
 - May 3 fatal shooting on Channing originally thought to be suicide. Found 2nd shooting victim; determined not suicide but one suspect shot 2 people. Suspected arrest within 1 day.
- Last week hired 2 entry-level officers who started academy, but also 1 officer retired and 3 resigned. Currently 152 sworn.
- Capt. Rolleri will continue to work with the Board on Controlled Equipment Ordinance.
- Finalizing next quarterly update on Fair & Impartial Policing recommendations. Incorporated some of PAB's suggestions on the consent search form and reissued.
- Budget presentation to Council Budget Committee; included items related to reimagining public safety efforts.

Interim Chief Louis 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 – next meeting being scheduled. Will discuss 3-pronged approach to traffic enforcement. Worked on consent search form. Haven't seen anything back on Early Warning System Policy.
- b. Director Search -- Chair Levine spoke to LaTanya Bellow. Byers Group reviewing the 13 applications received. 5 to 8 will be sent to Ms. Bellow to set up interviews; one interview panel will include PAB members. City Manager will select 3 finalists for Council. More details week of May 23.
- c. Regulations – met May 4. Finalizing draft to bring to Board with specific commentary.
- d. Mental Health Issues (Response and Crisis Stabilization). On hold.
- e. Policy 351, Fixed Surveillance Cameras. On hold.
- f. PAB Budget Proposal. No work necessary at this time.

9. OLD BUSINESS (discussion and action)

- a. Review commendations of Berkeley Police Dept. personnel.

By general consent, the Board agreed to commend BPD personnel for the following reasons:

Sgt. Speelman, Ofc. DeBruin, and Ofc. Mitchell for superior handling of a difficult situation, actions above and beyond typical duties, and displaying extraordinary compassion, empathy, or kindness, in helping a man threatening to jump off a building on March 6, 2021. (p. 19 of the April 27, 2022 packet)

Officers Hogan, Warren, Jackson, and Valle, for their superior handling of a difficult situation in saving the life of a man who overdosed on October 18, 2021. (p. 32.)

Officers Armistead, Grover, Moore, Albrandt, Abdoulmawla, Legall, Nash, and Muratovic, and CSO Lee for actions above and beyond typical duties in assisting two stab wound victims in separate incidents on March 6, 2021. (p. 17.)

Discussion to continue at the next meeting.

10. NEW BUSINESS (discussion and action)

- a. Review and respond or make recommendations on the following items related to Impact Statements, Use Policies, and Annual Use Report prepared under the Police Equipment & Community Safety Ordinance and AB 481:

- 1) Report submitted by Interim Police Chief to City Council for May 10, 2022 meeting;
- 2) Board member Mizell's April 29, 2022 Notice of Violations;
- 3) 2021 Annual Equipment Use Report;
- 4) Policy 709, Military Equipment;
- 5) Capt. Rolleri's May 4, 2022 memo in response to April 6 PAB memo.

Motion to suspend the rules to allow John Lindsay-Poland to speak.
 Moved/Second (Calavita/Levine) Motion Carried by general consent

Motion to form a subcommittee to analyze and make recommendations on the Controlled Equipment Impact Statements, Use Policies, and Annual Use Report prepared under the Police Equipment Ordinance and AB 481.
 Moved/Second (Leftwich/Calavita) Motion Carried by general consent

Chair Chang appointed Vice-Chair Mizell and Board member Moore to the Subcommittee.

- b. Consider forming Outreach Subcommittee
 Postponed to the next meeting.
- c. Consider forming Lexipol Policies Subcommittee
 Postponed to the next meeting.

11. PUBLIC COMMENT

1 speaker.

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. PRESENTATION OF ADMINISTRATIVE CLOSURE OF COMPLAINT #2488

Motion to not administratively close the complaint; to ask that staff request documents, body-worn camera video, and police reports related to the incident; and to enforce the request in any way that the law provides.

Moved/Second (Ramsey/Leftwich) Motion Carried

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

Noes: None

Abstain: None

Absent: None

13. TENTATIVE AND FINAL DECISIONS IN COMPLAINTS #1 AND #3

Postponed to the next meeting.

End of Closed Session

14. ANNOUNCEMENT OF CLOSED SESSION ACTION

The Board's vote in Item #12 to not administratively close the complaint and request evidence; and postponement of Item #13 were announced.

15. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Second (Leftwich/Mizell) By general consent, the meeting was adjourned at 11:09 p.m.