



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

Anthony Rodriguez

POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
MINUTES
(approved)

Wednesday, July 27, 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 Juliet Leftwich
Board Member Deborah Levine
Board Member John Moore
Board Member Cheryl Owens
Board Member Ismail Ramsey (arrived late)

Absent: Board Member/s Regina Harris

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

BPD Staff: Lt. Melanie Turner
Lt. Daniel Montgomery

DCA Staff: James Chang

2. APPROVAL OF AGENDA

Motion to approve the agenda.
Moved/Second (Calavita/Moore) **Motion Carried by general consent.**

3. PUBLIC COMMENT

4 speakers.

4. APPROVAL OF MINUTES

a. Regular meeting of July 13, 2022

Motion to approve Regular Meeting Minutes of July 13, 2022

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

b. Special meeting of July 20, 2022.

Motion to approve Special Meeting Minutes of July 20, 2022

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

5. CHAIR AND BOARD MEMBERS' REPORTS

Chair Chang reported on the upcoming departure of Interim Director of Police Accountability, Kathy Lee. Chair Chang held a "Moment of Celebration for Director Lee" and each Board Member expressed kind thoughts and well wishes to Director Lee for her retirement.

The new Senior Advisor for Public Safety in the Mayor's Office, Anthony Rodriguez, introduced himself and outlined his goals for this position.

6. DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT

The Interim Director reported:

- No new complaints filed since the last meeting.
- Thank you to Board members for the well wishes.
- Military Policy 709 was approved by the City Council without revisions.
- Neither staff nor Board members can attend the NACOLE conference because of the travel restrictions imposed by the Berkeley City Council resolution in support of AB 1887 (which prohibits travel to certain states due to some discriminatory laws enacted in those states). Board members and staff are encouraged to attend the virtual NACOLE conference in October.
- The selection process for the next Director of Police Accountability is not finished yet. The process is now in the hands of the Beyers Group and the City Council. There is a possibility that the new Director could be announced a Special City Council meeting on August 3, 2022.

7. CHIEF OF POLICE'S REPORT

Because Chief Louis is on vacation, Lt. Melanie Turner reported the following:

- No update on the Weck/death case. Chief Louis will provide information when she returns.
- BPD is currently staffed at 149 officers with three people in the field training program. One sergeant recently resigned and there are several upcoming retirements. They are in the testing process to select the Communications Center Manager.

- Significant Incident Reports include: July 25, 2022, injury collision between a pedestrian and a vehicle caused serious injury to the pedestrian; July 26, 2022, two people were shot at but not hit by two people trying to remove catalytic converters; and on July 27, 2022, there was shooting at Channing & West.

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 – Subcommittee chair Calavita reported that they have not scheduled another meeting and the subcommittee will reconvene in September.
- b. Director Search – Subcommittee chair Levine and board members elected to wait until the new Director is announced before dissolving this subcommittee.
- c. Regulations Subcommittee – discussed below at Item 9.a.
- d. Controlled Equipment Subcommittee – discussed below at Item 10.a.

9. OLD BUSINESS (discussion and action)

- a. City Attorney’s Opinion – Deputy City Attorney Chang reported that the City Attorney’s Office is preparing a comprehensive confidential memorandum regarding the board’s authority to initiate investigations/complaints or to act as a complainant as well as analyzing generally the board’s authority in the areas of investigation and fact-finding, along with related issues, including: (1) if the conclusion remains that the Charter does not currently authorize board initiated investigations, how could such authority be granted; (2) could an ordinance be enacted along with model language; (3) the effect of the conclusion on the pending investigations; (4) breath and scope of the board’s subpoena power(s). The memo will be distributed to the board during the August break so that board members will have time to review the contents before the September 14th meeting. The City Attorney’s review of the interim regulations will be completed in a separate memo.
- b. After much discussion regarding the language in section II.A.2 regarding Who May File complaints (*See materials in July 13, 2022 packet*), the following motion was presented:

Motion to table further discussion regarding all substantive aspects of the interim regulations until after the memorandum from the City Attorney’s office is received and discussed.

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

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

Noes: Chang

Abstain: None

Absent: Harris

10. NEW BUSINESS (discussion and action)

- a. Discuss process and timing for reviewing BPD's Annual Equipment Use Report, submitted under the Controlled Equipment & Community Safety Ordinance. *(See Annual Report published in June 8, 2022 packet, starting at p. 135.)*

Motion to agendaize this item for September 14, 2022.

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

- b. Interim Director Lee provided an update on the status of: pending complaint investigations by ODPa; policy work by PAB and ODPa (ongoing and to be started); other projects, such as outreach, by PAB and ODPa; and ODPa staffing, including transition to new Director.
- c. i) Consider opening a policy review on the discharge of inebriated individuals from BPD custody.

Motion to Open a policy review regarding the discharge of inebriated individuals from BPD custody, including policies I-15, 900, and 411.

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

- ii) Request made by various board members to keep a list of requests/inquiries made to BPD during the board meetings and include an agenda item for BPD to provide follow-up and answers.

11. REMARKS BY OUTGOING INTERIM DIRECTOR OF POLICE ACCOUNTABILITY

12. PUBLIC COMMENT

4 speakers.

13. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Second (Moore/Leftwich) By general consent, the meeting was adjourned at 10:06 p.m.