



APPROVED

**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
MINUTES**

Wednesday, March 15, 2023, 6:30 P.M.

MEETING LOCATION

Live Oak Community Center
1301 Shattuck Ave,
Berkeley, CA 94709

RECORDER ON

1. INTRODUCTION TO IN-PERSON MEETINGS

2. CALL TO ORDER & ROLL CALL BY CHAIR MOORE AT 6:30 P.M.

Present: Board Member John Moore (Chair)
Board Member Regina Harris (Vice-Chair)
Board Member Kitty Calavita
Board Member Juliet Leftwich
Board Member Deborah Levine
Board Member Cheryl Owens

Absent: None

ODPA Staff: Hansel Aguilar, Director of Police Accountability
Beneba Thomas, DPA Investigator

BPD Staff: Jennifer Louis, Interim Chief ; Jen Tate, Lieutenant

3. APPROVAL OF AGENDA

Motion to approve the agenda.

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

Ayes: Unanimous

Noes: None

Abstain: None

Absent: None

4. PUBLIC COMMENT (TIME SPEAKERS)

3 speakers.

- 1) Former Board Member Ramsey (now United States Attorney for The Northern District Of California) went before the Board to express his gratitude for the commitment of his colleagues. He expressed gratitude for the BPD, ODPa staff, the CAO, the various City Departments and the community.
- 2) Community member expressed concerns about the data in the BPD annual report. Specifically, she discussed the issues regarding racial disparities.
- 3) Community member expressed additional concerns about the BPD data. Specifically, the community member expressed concerns about the pretextual stops and racial disparities.

5. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of February 22, 2023

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

Ayes: Unanimous

Noes: None

Abstain: None

Absent: None

Board member Leftwich made a correction regarding attendance: Board Member Calavita was noted as absent but was in fact present for the meeting.

Motion to approve Special Meeting Minutes of March 8, 2023

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

Ayes: Unanimous consent

Noes: None

Abstain: None

Absent: None

6. ODPa STAFF REPORT

ODPA Director reported:

1. Staff report to be presented at March 29, 2022 regarding past requests to BPD and CAO:
2. Staff is currently piloting new technology for hybrid meetings. We appreciate the community's patience as we implement these new procedures. We welcome any constructive feedback that can help us better implement this technology and make the PAB's meetings accessible to everyone.
2. The first PAB Annual Retreat is planned for March 25th, 2023. It will be hosted at the Judge Henry Ramsey Jr South Berkeley Senior Center from 9:00 am to 4:30 pm. Facilitated by Brian Corr (past President of NACOLE)
3. Staff continues to work on the PAB's annual report. We appreciate the community's patience and look forward to presenting it.

4. The review of BPD Report on Controlled Equipment pursuant to City Ordinance 2.100 is still pending. Currently, only Chair Moore is on the subcommittee. The Board may want to consider adding another member to that subcommittee or delegate it to staff to review the report and provide any recommendations. The item will be posted for a full Board discussion at our next regular meeting.

5. As the Board may be aware, Board member Ramsey was nominated and confirmed to be the next U.S. Attorney for the Northern District of California. The Board is currently down to six members and the appointments for the current vacancies are pending.

6. Debriefed the Board about the communications with the City Manager's Office. Presented Deputy City Manager Anne Cardwell to the Board- the liaison for the ODP/PAB assigned by the City Manager.

Board Member Leftwich commented that there will be training hours credited for the retreat.

Board Member Owens asked about the status report of the training for members. Director Aguilar indicated that report will be provided by the end of the week. Board member Owens also asked about the "report" that is given to Council on new members. Director Aguilar explained the Director's role in Board member appointments is limited to raising awareness, but that he would circle back with the information about the reports.

Board member Calavita expressed words of appreciation for former Board Member Ramsey and his contributions to the PRC and the PAB.

7. CHAIR AND BOARD MEMBERS' REPORTS

Chair Moore reported: that he was grateful that Vice Chair Harris stepped up during his absence at last meeting. The Chair made a "formal request" for Council to appoint people to the vacant positions on the Board.

No additional Board Member reports were made during this segment.

8. CHIEF OF POLICE'S REPORT

Interim Chief Louis reported on :

- Staffing status
 - Current sworn personnel numbers (145 out of 181 authorized)
 - Current dispatch personnel numbers (24 out of 36 authorized)
 - Improving the referral program to empower the community and staff to recommend new officers.

- Fatal vehicle collision
- The Board's policy recommendations on surveillance.
- A deployment of a drone on March 7, 2023

Several Board members asked questions about liaisons, EWS, racial disparities, grants, data and more.

9. 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. Policy and Practices relating to the Downtown Task Force and Bike Unit Allegations (Chair: Owens)
 - i. Chair reported that subcommittee is meeting weekly.
 - ii. Attempting to have public engagement.
- b. Regulations Subcommittee (Chair: Calavita)
 - i. Meeting regularly
 - ii. Hope to report back to full Board soon.

10. NEW BUSINESS (DISCUSSION AND ACTION)

- a. Discussion on the proposal for a comprehensive review of BPD's body-worn camera policies (Board member Harris)
 - i. Open up discussion and asked questions to Lt. Tate who participated remotely.
 - ii. Asked questions about audits, capabilities to live monitor, costs, etc.

Motion to create a subcommittee to review the BPD BWC policy.

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

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

Noes: None

Abstain: None

Absent: None

11. PUBLIC COMMENT (TIME SPEAKERS)

1 speakers.

Community member wants to volunteer on BWC subcommittee.

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 act on the following matter(s):

12. PRESENTATION OF COMPLAINT CASE NO. 26

Motion to adopt the ODPA recommendations.

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

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

Noes: None

Abstain: Calavita

Absent: None

13. CASE UPDATES

END OF CLOSED SESSION

14. ANNOUNCEMENT OF CLOSED SESSION ACTION

15. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Second (Leftwich/Harris) **By general consent, the meeting was adjourned at 8:30 p.m.**

Minutes Approved on: [AS AMENDED] MARCH 29, 2023

Hansel Aguilar, Commission Secretary: 