



POLICE ACCOUNTABILITY BOARD

Regular Meeting Minutes

Wednesday, June 7, 2023

Board Members:

John Moore (Chair)
Kitty Calavita

Juliet Leftwich

Regina Harris (Vice Chair)
Leah Wilson

Meeting Location:

North Berkeley Senior Center
1901 Hearst Avenue, Berkeley, CA 94709

1. CALL TO ORDER BY CHAIR MOORE AT 6:30 PM AND ROLL CALL

- Present:** Board Member John Moore (Chair)
Board Member Regina Harris (Vice-Chair)
Board Member Kitty Calavita
Board Member Juliet Leftwich
Board Member Leah Wilson
- Absent:** None
- ODPA Staff:** Hansel Aguilar, Director of Police Accountability
Jose Murillo, Associate Management Analyst
Jayson Wechter, Investigator (*via Zoom*)
- BPD Staff:** Chief Louis
Lt. Reece
- CAO Staff:** Stephen Hylas

2. APPROVAL OF AGENDA

Motion to approve the agenda.

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

Ayes: Calavita, Harris, Leftwich, Moore, and Wilson.

Noes: None.

Abstain: None.

Absent: None.

3. PUBLIC COMMENT

- 0 Speakers

4. APPROVAL OF MINUTES

Motion to approve the May 24th Regular Meeting minutes with edits.

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

Ayes: Calavita, Harris, Leftwich, Moore, and Wilson.

Noes: None.

Abstain: None.

Absent: None.

The edits were the following:

- Former board member Levine's name was removed from the minutes.
- On page 5 of the minutes (page 11 of the agenda packet), the sentence "Board Member Leftwich states that she believes the PAB needs more clarity around the distribution of labor with communications" was changed to read "...the PAB needs more clarity around communication protocols"

5. ODPa STAFF REPORT

ODPA staff provide the following information:

- Report from staff regarding their attendance at the CACOLE 2023 Annual Conference.
- Report from staff regarding the adoption of NACOLE's Code of Ethics.
- Update Report from staff regarding the ODPa's budget request (and subsequent PAB Resolution) to Council for additional ODPa staff.
- Report on the City Council's June 6th action to approve the BPD's 2022 controlled equipment annual report.
- Report on staff's participation in NACOLE's use of force training which was facilitated by Captain Fomby, a former member of the BPD.
- Reminder about the upcoming Juneteenth festival and the ODPa's and PAB's participation in the event.

6. CHAIR AND BOARD MEMBER REPORTS

Chair Moore reports the following:

- Ask board members to make themselves available for Juneteenth to help with outreach.
- Hopes that everyone had a chance to read the article on the interview he did with the Berkeleyside and informs the Board that a new article is set to be put forward by the Daily Californian where he talks about the Board.

7. CHIEF OF POLICE REPORT

Chief Louis reports on the following:

- On June 3rd suspect entered a business and approached a female victim who was alone at the business at the time. The suspect sexually battered the victim and then fled when the victim ran from the business screaming. The suspect's image was captured on private surveillance cameras and on June 4th, a patrol officer identified the suspect in the Downtown area and detained him.
- On May 31st a suspect stole a catalytic converter and was confronted by the victim. The suspect swung a metal tool at the victim, narrowly missing him. The suspect fled in his vehicle and when an officer saw and tried to detain him, the suspect fled and ran from his vehicle, leaving it behind. The vehicle was towed and the registered owner of the vehicle attempted to pick it up claiming that his vehicle was stolen out of Oakland. However, the picture of the registered owner matched the description of the suspect and after further investigation, the suspect was arrested. The individual had a history of prior arrests for catalytic converter thefts.
- Staffing remains the same as the last meeting. There are three new graduating recruits and four new hires will be sent to the police academy. One new dispatcher has been brought on to the team within the last week with a few more currently in the background check process.
- The Chief presented to the personnel board to update the dispatcher job description to minimize the number of candidates who might self-select out of applying as a result of specific language in the current description.
- The Chief requested approval for a new job classification for the BPD who will be the second of command of the department. One of the current Captain positions will be converted to Deputy chief.
- The Chief thanks Director Aguilar for his participation in the Captain selection panel that will help establish a new eligibility list. Chair Moore was invited to participate but was unable to attend due to a personal emergency.
- The Military Equipment report pursuant to AB 481 is currently in the final stages. The report is very similar to the Controlled Equipment report that was reviewed by the PAB.
- The Automatic License Plate Reader (ALPR) policies have been sent to the DPA for dissemination and the BPD awaits PAB feedback. Director Aguilar acknowledged that due to a secretarial oversight on his behalf, he had not forwarded the policies to the PAB. He confirmed at the meeting that he was in receipt of the policies and forwarded them to the PAB.

8. SUBCOMMITTEE REPORTS

- a. Body-Worn Camera Policy Subcommittee (Chair: Harris)

- The BWC subcommittee will be meeting tomorrow. Some changes are being discussed.
 - b. Conflict of Interest Subcommittee (Chair: Leftwich)
- Chair Leftwich met with City Attorney Brown. They discussed the topic of the PAB having an outside council under certain circumstances in which a conflict of interest arises.
 - c. Policies and Practices Relating to the Downtown Task Force and Bike Unit Allegations (Chair: TBD)
- Board Member Calavita reports that the subcommittee met on June 2nd and will be meeting in a week. She clarifies that the subcommittee is conducting a policy review and would like to communicate to the public that the final work product would be an analysis of the policies that may need to be reviewed or modified in light of the allegations.
- Board Member Calavita asks the CAO where the independent investigator's report will go and if the Board will receive a copy of the report and information will be released to the public.
- DCA Hylas request that the Board communicate their request in writing. Director Aguilar will provide the communication to the CAO.

** When used under the subcommittee reports section, "Chair" refers to the Chairperson of the respective subcommittee, not the PAB Chair. **

9. NEW BUSINESS

- a. Discussion on the PAB's participation at the Juneteenth festival on Sunday, June 18, 2023, from 11:00 am to 7:00 pm (ODPA Staff) – (10 Minutes)
 - i. Overview of the day.
 - ii. Shift Sign-ups.
- ODPA staff provides the Board an overview of their plans for the Juneteenth Festival taking place on June 18th from 11 am to 7 pm. They ask for Board member volunteers to help with the outreach efforts.
- b. Discussion and Action on the PAB's current subcommittee list, the appointment of new members as needed, and the consideration and action of the ODPA's recommendations as to each subcommittee (Moore & ODPA Staff) – (20 minutes)

The Board examines its existing subcommittee list to determine which ones need an extension or should be dissolved. The objective of this evaluation is to effectively manage the Board's workload considering the vacant positions on the Board.

Motion to reinstate the regulations subcommittee for another year pending the approval of the permanent regulations.

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

Ayes: Calavita, Harris, Leftwich, Moore, and Wilson.

Noes: None. Abstain: None. Absent: None.

Motion to extend the Fair & Impartial subcommittee for another year.

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

Ayes: Calavita, Harris, Leftwich, Moore, and Wilson.

Noes: None. Abstain: None. Absent: None.

- Board Member Wilson is appointed to the Fair & Impartial subcommittee by Chair Moore and Vice-Chair Harris steps down.

Motion to dissolve the Mental Health Response subcommittee.

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

Ayes: Calavita, Harris, Leftwich, Moore, and Wilson.

Noes: None. Abstain: None. Absent: None.

Motion to combine the Fixed Surveillance Camera Policy subcommittee and Drone Use Policy subcommittee into the "Surveillance Technology Policy Subcommittee"

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

Ayes: Calavita, Harris, Leftwich, Moore, and Wilson.

Noes: None. Abstain: None. Absent: None.

Motion to dissolve the Controlled Equipment Use & Reporting Subcommittee.

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

Ayes: Calavita, Harris, Leftwich, Moore, and Wilson.

Noes: None. Abstain: None. Absent: None.

Motion to dissolve the Chief of Police Hiring Process subcommittee.

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

Ayes: Calavita, Harris, Leftwich, Moore, and Wilson.

Noes: None. Abstain: None. Absent: None.

Motion to dissolve the Charter Section 125 Review Subcommittee.

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

Ayes: Calavita, Harris, Leftwich, Moore, and Wilson.

Noes: None. Abstain: None. Absent: None.

10. PUBLIC COMMENT (TBD)

1 Speaker.

- Speaker 1: States that she is interested in the Board's policy work. She is also interested in knowing what the conditions of the City of Berkeley's jail are like.

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):

11. Case updates

- Director Aguilar and Investigator Wechter provide case status updates to the Board.

END OF CLOSED-SESSION

12. ANNOUNCEMENT OF CLOSED-SESSION ACTION

Chair Moore reports that Director Aguilar and Investigator Wechter provided case status updates to the Board.

13. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Second (Leftwich/Harris) **By general consent, the meeting was adjourned at 8:47 pm**

Minutes Approved on: 06/21/2023

Hansel Aguilar, Commission Secretary:

