



**POLICE ACCOUNTABILITY BOARD**  
REGULAR MEETING AGENDA  
**WEDNESDAY, SEPTEMBER 25, 2024**  
**6:30 P.M.**

Board Members

John Moore III (Chair)  
Kitty Calavita  
Brent Blackaby  
Alexander Mozes

Leah Wilson (Vice-Chair)  
Juliet Leftwich  
Joshua Cayetano  
David Williams

**MEETING LOCATION**

2020 Milvia Street, Suite 250  
Berkeley, CA 94704

MINUTES

**1. CALL TO ORDER AND ROLL CALL AT 6:38 PM**

**Present:** Board Member John Moore (Chair)  
Board Member Brent Blackaby  
Board Member Kitty Calavita  
Board Member Joshua Cayetano  
Board Member Juliet Leftwich  
Board Member Alexander Mozes

**Absent:** Board Member Leah Wilson (Vice-Chair)  
Board Member David Williams

**ODPA Staff:** Hansel Aguilar, Director of Police Accountability  
Jose Murillo, Policy Analyst  
Jayson Wechter, Investigator  
Keegan Horton, Investigator

**BPD Staff:** Deputy Chief Tate  
Lt. Montgomery  
Detective Morales

Officer Michalczyk  
**CAO Staff:** DCA Chang  
**CMO Staff:** Dr. Carianna Arredondo, Assistant to the City Manager  
Rex Brown, DEI Officer

## 2. APPROVAL OF AGENDA

### **Motion to approve the agenda.**

Moved/Second (Calavita /Leftwich) Motion carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, Mozes, and Moore.

Noes: None. Abstain: None. Absent: Wilson and Williams.

## 3. PUBLIC COMMENT

*0 Physical Present Speaker(s)*

*0 Virtually Present Speaker(s)*

## 4. APPROVAL OF MINUTES

a. Minutes for the Regular Meeting of September 11, 2024

### **Motion to approve the minutes of the Regular Meeting on September 11, 2024, with a correction to the typo on page 13 of the packet in the Chief of Police's report.**

Moved/Second (Calavita /Leftwich) Motion carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, Mozes, and Moore.

Noes: None. Abstain: None. Absent: Wilson and Williams.

## 5. ODPa STAFF REPORT

Director Aguilar provided updates on National Hispanic Heritage Month and a City-hosted event, the onboarding of the ODPa Data Analyst, the office move timeline, the Use of Force Forums, his meeting with the new City Manager, subcommittee reports going to City Council, BART's Police Oversight campaign, his work with POST's criminal justice module, and the Board election for NACOLE representation. Investigator Wechter updated on the NACOLE 2024 Conference. Dr. Arredondo expressed gratitude to the PAB and ODPa for their commitment to Reimagining Public Safety and noted a dedicated RPS table at the Harvest Festival. DEI Officer Brown reported on National Hispanic Heritage Month celebration attendees and speakers.

## 6. CHAIR AND BOARD MEMBERS' REPORTS

Chair Moore congratulated Director Aguilar on his collaboration with POST, acknowledged the Berkeley delegation for NACOLE, and expressed his appreciation for the work that we do. Director Aguilar provided a short list of PAB/ODPA representation to NACOLE.

## 7. CHIEF OF POLICE'S REPORT

DC Tate reported on cases of interest and other items of interest, community engagement, training, and traffic safety, as well as provided updates on Board Member questions and other questions.

## 8. SUBCOMMITTEE REPORTS

Subcommittees report on their activities.

## 9. NEW BUSINESS

### a. BPD Presentation on ABLE Training<sup>1</sup> (ODPA)

Detective Morales and Officer Michalczyk present to the PAB on ABLE Training. No actions were taken by the PAB.

### b. Discussion and action regarding the presentation of ODPa Police Reviews (ODPA)

#### i. 2023-PR-0001 (15 Minutes)

**Motion to work with BPD to amend Policies 1010 and 1034 and forward a letter to Council with the ODPa's recommendations for the next budget cycle.**

Moved/Second (Calavita/Mozes) Motion carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, Mozes, and Moore.

Noes: None. Abstain: None. Absent: Wilson and Williams.

#### ii. 2023-PR-0002 (15 Minutes)

**Motion to accept the ODPa's Policy Review Report for Policy Complaint 2023-PR-0002 as is and forward it to BPD.**

Moved/Second (Mozes/Blackaby) Motion carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, Mozes, and Moore.

Noes: None. Abstain: None. Absent: Wilson and Williams.

### c. Discussion and action regarding the Citygate Associates, LLC Workload Organizational Study of the Berkeley Police Department and the PAB's potential response to the report (ODPA) – (15 Minutes)

No action taken by the PAB. The Board to continue discussion at their October 9, 2024 Regular Meeting.

### d. Discussion and action on the Budget & Metrics Subcommittee's proposed PAB metrics (Blackaby & Wilson)

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<sup>1</sup> <https://www.law.georgetown.edu/cics/able/agencies-initiatives/>

No action taken by the PAB. The PAB provides feedback to the Budget & Metrics Subcommittee.

- e. Discussion and action regarding the appointment of Board Members to present PAB reports to the City Council (ODPA)
  - i. “Berkeley Police Department Texting Offenses: An Independent Investigation by the Police Accountability Board” set for October 1, 2024
  - ii. “Police Accountability Board Report: Fair and Impartial Implementation” set for October 15, 2024

**Motion to request that the “Berkeley Police Department Texting Offenses: An Independent Investigation by the Police Accountability Board” and “Police Accountability Board Report: Fair and Impartial Implementation” reports be withdrawn and presented at a later date.**

Moved/Second (Leftwich/Calavita) Motion carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, Mozes, and Moore.

Noes: None. Abstain: None. Absent: Wilson and Williams.

- f. Discussion and action on the proposal to relocate the PAB’s regular meetings back to the North Berkeley Senior Center (Leftwich) – (5 Minutes)

**Motion to move the PAB's regular meetings back to the North Berkeley Senior Center until the ODPa's new office space is completed.**

Moved/Second (Leftwich/Calavita) Motion carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, Mozes, and Moore.

Noes: None. Abstain: None. Absent: Wilson and Williams.

- g. Assign a delegate for NACOLE 2024 Conference Elections (ODPA)

**Motion to appoint Board Member Cayetano as the delegate for the NACOLE 2024 Conference Elections.**

Moved/Second (Moore/Blackaby) Motion carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, Mozes, and Moore.

Noes: None. Abstain: None. Absent: Wilson and Williams.

## **10. PUBLIC COMMENT (TBD)**

*0 Physical Present Speaker(s)*

*0 Virtually Present Speaker(s)*

## 11. CLOSED SESSION

### CLOSED SESSION ITEMS

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):

- a. Case Updates and Recommendations Regarding Complaints Received by the ODP:

- |      |              |     |              |
|------|--------------|-----|--------------|
| i.   | 2023-CI-0016 | iv. | 2024-CI-0010 |
| ii.  | 2024-CI-0003 | v.  | 2024-CI-0012 |
| iii. | 2024-CI-0004 | vi. | 2024-CI-0025 |

No action taken by the PAB. Director Aguilar provides case updates to the PAB.

### END OF CLOSED SESSION

## 12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

Chair Moore announces the closed session actions.

## 13. ADJOURNMENT

Motion to adjourn. Moved/Second (Mozes/Calavita) The meeting was adjourned at 9:30 PM by unanimous consent.

Minutes Approved on: October 9, 2024

Hansel Aguilar, Commission Secretary:   
Hansel Aguilar (Dec 11, 2024 15:09 PST)

# 2024-09-25 Regular Meeting Minutes

Final Audit Report

2024-12-17

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