



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING MINUTES
WEDNESDAY, July 22, 2026
6:30 P.M.**

Board Members

Joshua Cayetano (Chair)	Leah Wilson (Vice-Chair)
Randy Wells	Joshua Buswell-Charkow
Benjamin Nash	Stephanie Allan
Patrick DeTemple	Jasmina Viteskic
Dwayne Phillips (Alternate)	

MEETING LOCATION

Office of the Director of Police Accountability
1900 Addison Street, Floor 3
Berkeley, CA 94704

MEETING MINUTES

1. CALL TO ORDER AND ROLL CALL AT 6:33 PM

Present:	Board Member Joshua Cayetano (Chair) Board Member Leah Wilson (Vice Chair) Board Member Benjamin Nash Board Member Stephanie Allan Board Member Patrick DeTemple Board Member Jasmina Viteskic Board Member Joshua Buswell-Charkow
Absent:	Board Member Randy Wells ¹
ODPA Staff:	Kathy Lee, Interim Director of Police Accountability Jose Murillo, Policy Analyst Syed Mehdi, Data Analyst Daniel Weinberg, Investigator
BPD Staff:	Deputy Chief Jen Tate Lt. Christopher Bonaventure

¹ Board Member Wells was out with an unexcused absence

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Buswell-Charkow/Allan) Motion carried.

Ayes: Cayetano, Wilson, Allan, Buswell-Charkow, DeTemple, Viteskic and Nash.

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

3. PUBLIC COMMENT

1 Physically Present Speakers

1 Virtually Present Speakers

4. APPROVAL OF MINUTES

a. Minutes for the Regular Meeting of July 8, 2026.

Motion to approve the minutes for the Regular Meeting of July 8, 2026.

Moved/Second (Allan/DeTemple) Motion carried.

Ayes: Cayetano, Wilson, Allan, Buswell-Charkow, DeTemple, Viteskic and Nash.

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

5. ODPa STAFF REPORT

Interim Director Lee reported on the presentation of the 2025 Annual Report to City Council and summarized Council discussion and feedback. Director Lee also provided an update on the recruitment process for the Director of Police Accountability position and ongoing Board member orientation and training efforts.

6. CHAIR AND BOARD MEMBERS' REPORTS

The Chair and Board Members reported on their activities since the last PAB meeting on July 8, 2026.

7. CHIEF OF POLICE'S REPORT

Deputy Chief Tate provided an update on department staffing, patrol operations, recruitment efforts, recent incidents, community engagement activities, and public safety technology initiatives. Board members asked questions regarding staffing levels, response times, and department operations.

8. SUBCOMMITTEE REPORTS

Subcommittee chairs provided updates on ongoing policy review work, legislative matters, and other committee activities.

9. DISCUSSION AND ACTION ITEMS

a. BPD Policy 300 "Use of Force" (Cayetano)

The Board discussed Berkeley Police Department Use of Force Policy 300, including

access to records, confidentiality, and proposed policy revisions. No action was taken.

- b. Council proposal to reinstate use of tear gas for critical life-saving incidents and lifting the COVID-19 moratorium on smoke and OC spray (Cayetano)

Motion to approve a revised letter to the City Council that references the PAB's initial submission regarding tear gas; recommends amending the proposed tear gas policy in accordance with Appendix A of Supplemental Letter No. 1, including revising subsection (b) to state, "Service of a high-risk warrant during which a suspect is actively presenting a threat of death or serious injury to officers or others," and prohibiting the use of tear gas for crowd management, in addition to crowd control; recommends that, if the Council does not adopt the proposed policy revisions, it defer consideration of the item until after completion of the Policy 300 review; and authorizes the Chair, in coordination with the Interim Director of Police Accountability, to finalize the letter prior to submission.

Moved/Second (Cayetano/Buswell-Charkow) Motion carried.

Ayes: Cayetano, Wilson, Buswell-Charkow, DeTemple, Viteskic and Nash.

Noes: None. Abstain: Allan. Absent: Wells.

- c. Recap of PAB-ODPA 2025 Annual Report Presentation to City Council (ODPA)

The Board discussed the presentation of the PAB-ODPA 2025 Annual Report to the City Council and reflected on Councilmember feedback. No action was taken.

- d. Presentation on the PAB's governing authorities and current operating procedures (ODPA)

The Board discussed the draft Governing Authorities and Procedures document, including Board authority under the Charter, regulations, and access to City records. No action was taken.

- e. Update on the recruitment of the Director of Police Accountability (ODPA)

The Board received an update on the recruitment process for the Director of Police Accountability. No action was taken.

10. PUBLIC COMMENT

0 Physically Present Speakers

1 Virtually Present Speaker

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. Conference With Labor Negotiators; Government Code § 54957.6 Designated representatives: Leah Wilson, Designated PAB Representative; Katherine Lee, Interim Director of Police Accountability Employee organization: Berkeley Police Association

Motion to authorize the Designated PAB Representative to proceed as recommended.

Moved/Second (Cayetano/Wilson) Motion carried.

Ayes: Cayetano, Wilson, Allan, DeTemple, Buswell-Charkow, Viteskic and Nash.

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

- b. Case Updates and Recommendations Regarding Complaints Received by the ODPa:

Motion to approve the Staff's recommendations and modify one section in ODPa Complaint 2026-CI-0001.

Moved/Second (Cayetano/Viteskic) Motion failed.

Ayes: Cayetano, DeTemple, Viteskic and Nash.

Noes: Buswell-Charkow, Allan, Wilson. Abstain: None. Absent: Wells.

Motion to approve Staff's recommendations in ODPa Complaint 2026-CI-0001.

Moved/Second (Wilson/Allan) Motion carried.

Ayes: Buswell-Charkow, DeTemple, Viteskic, Wilson and Allan.

Noes: Nash and Cayetano. Abstain: None. Absent: Wells.

Motion to approve Staff's recommendations in ODPa Complaint 2026-CI-0003.

Moved/Second (Allan/Cayetano) Motion carried.

Ayes: Cayetano, Wilson, Allan, DeTemple, Buswell-Charkow, Viteskic and Nash.

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

Motion to administratively close ODPa Complaint 2026-CI-0017.

Moved/Second (Viteskic/Cayetano) Motion carried.

Ayes: Cayetano, Wilson, Allan, DeTemple, Buswell-Charkow, Viteskic and Nash.

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

END OF CLOSED SESSION

12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

Chair Cayetano announced the closed session actions.

13. ADJOURNMENT AT 9:22 PM

Motion to adjourn. Moved/Second (Wilson/Viteskic). The meeting was adjourned at 9:22 PM by unanimous consent.

Minutes Approved On: 09/09/2026

Katherine Lee, Commission Secretary 