



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING MINUTES
WEDNESDAY, OCTOBER 7, 2026
6:30 P.M.**

Board Members

Joshua Cayetano (Chair)	Leah Wilson (Vice-Chair)
Joshua Buswell-Charkow	Stephanie Allan
Patrick DeTemple	Jasmina Viteskic
Anay Sharma	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 6:34 PM

Present:	Board Member Joshua Cayetano (Chair) Board Member Stephanie Allan Board Member Patrick DeTemple Board Member Joshua Buswell-Charkow Board Member Anay Sharma Board Member Jasmina Viteskic
Absent:	Board Member Leah Wilson (Vice Chair) ¹
ODPA Staff:	Mary Opler, Director of Police Accountability Kathy Lee, Transition Support Jose Murillo, Policy Analyst Syed Mehdi, Data Analyst Daniel Weinberg, Investigator
BPD Staff:	Chief Jennifer Louis Lt. Jesse Grant

¹ Board Member Wilson (Vice Chair) was granted a leave of absence for the October 7, 2026 PAB Meeting.

2. APPROVAL OF AGENDA

Motion to approve the agenda.

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

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

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

3. PUBLIC COMMENT

1 Physically Present Speaker

5 Virtually Present Speakers

4. APPROVAL OF MINUTES

a. Minutes for the Regular Meeting of September 23, 2026.

Motion to approve the minutes for the Regular Meeting of September 23, 2026.

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

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

Noes: None. Abstain: Cayetano. Absent: Wilson.

5. ODPa STAFF REPORT

Transition Support, Kathy Lee introduced Mary Opler, the new Director of Police Accountability. Director Opler described her background in civilian oversight, criminal trial work and emergency management, thanked the Board and staff, and said she would contact Board members individually. Kathy Lee reported on her participation in scoring public safety technology RFP proposals, with further discussion under Item 9.d. She also reported that City Council had voted on September 29 not to lift the tear gas ban.

6. CHAIR AND BOARD MEMBERS' REPORTS

The Chair and Board Members reported on their activities since the last PAB meeting on September 23, 2026.

7. CHIEF OF POLICE'S REPORT

Chief Jennifer Louis reported on traffic safety operations, BPD's assistance to Oakland Police Department in a possible double homicide investigation on Panoramic Way, and community outreach. She announced Coffee with a Cop for October 21, from 11 a.m. to 1 p.m. She also provided updates on air support and vehicle pursuit policies, surveillance technology reporting, and revised acquisition and use documents. The Board discussed audit improvements, independent verification, and the staff time, costs, and access requirements associated with external audits.

8. SUBCOMMITTEE REPORTS

Subcommittees provided updates on their activities since the PAB's last meeting on September 23, 2026. Board Member Allan was reassigned from Outreach and

Engagement to Metrics and Operations, and Chair Cayetano joined the Outreach and Engagement subcommittee.

9. DISCUSSION AND ACTION ITEMS

- a. Action on Commendation of Interim Director Kathy Lee for Public Service to Berkeley (Cayetano)

Motion to approve the resolution commending Interim Director Kathy Lee for her public service to Berkeley, as amended to include Vice Chair Wilson's proposed whereas clause.

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

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

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

- b. Berkeley Police Department's Flock Automated License Plate Reader Audits for January 2026 – June 2026 (Continued from September 23, 2026)

- i. Discussion and Action on Independent Auditor of Surveillance Technology Proposal (Allan)

Motion to recommend an independent audit of surveillance technology by the City Auditor's Office or an external vendor, covering the year following completion of the RFP vendor selection process, and to ask City Council to explore fiscally responsible funding through vendor contracts or another mechanism.

Moved/Second (Allan/Cayetano) Motion failed.

Ayes: Cayetano and Allan.

Noes: Buswell-Charkow, DeTemple, Viteskic and Sharma. Abstain: None. Absent: Wilson.

- ii. Discussion and Action on BPD ALPR Audit Report for January 2026 (Cayetano)

Motion to (1) request BPD's written response to the Secure Justice letter, provided to PAB by November 2, 2026; (2) establish a subcommittee of PAB members, with participation from BPD and the City Auditor's, City Manager's and City Attorney's offices, to develop audit parameters and discuss changes to the audit process; and (3) request the City Attorney's assessment of whether current surveillance technology practices comply with Fourth Amendment case law in light of recent developments.

Moved/Second (Cayetano/Allan) Motion carried.

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

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

- c. Update on the Status of BPD Policy 300 "Use of Force" (Continued from September 23, 2026) (Cayetano)

Chair Cayetano reported that the Board's request for records related to BPD Policy 300 "Use of Force" remained outstanding. The Board took no action on this item.

- d. Update on Evaluation of Responses to Request for Proposals for Public Safety

Technology (Wilson)

Katherine Lee summarized the public safety technology RFP evaluation, with the presentation of a vendor contract expected before City Council in November. Chair Cayetano proposed a group to review community video streams and additional UAS policy revisions within the next two meetings. Interested members were asked to contact the Chair and Director Opler.

- e. Recommendations for Issuing PAB Commendations to Berkeley Police Department Officers Based on Commendations Received Between April and July 2026 (Buswell-Charkow)

Motion to approve the recommended PAB commendations, with Arlo Malmberg's recognition outside the Charter Section L commendation process for sworn officers.

Moved/Second (Sharma/Viteskic) Motion carried.

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

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

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

No action taken.

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

2026-CI-0005

Motion to accept staff's recommendations for Allegations 1-8 in ODPa Complaint 2026-CI-0005

Moved/Second (Allan/Sharma) Motion carried.

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

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

Motion to modify staff's recommendations for Officer 1 and accept staff's recommendations for Officer 2 for Allegation 9 in ODPa Complaint 2026-CI-0005

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

Ayes: Viteskic, Cayetano, Buswell-Charkow and Sharma.

Noes: Allan and DeTemple. Abstain: None. Absent: Wilson.

Motion to accept staff's recommendations for Officer 1 and modify staff's recommendations for Officer 2 for Allegation 10 in ODPa Complaint 2026-CI-0005

Moved/Second (Viteskic/Cayetano) Motion carried.

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

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

Motion to accept staff's recommendations for Officers 1 and 2 for Allegation 11 in ODPa Complaint 2026-CI-0005.

Moved/Second (Viteskic/Sharma) Motion carried.

Ayes: Viteskic, Cayetano, Allan, DeTemple and Sharma.

Noes: Buswell-Charkow. Abstain: None. Absent: Wilson.

Motion to modify staff's recommendations for Officer 3 for Allegation 11 in ODPa Complaint 2026-CI-0005.

Moved/Second (Sharma/Viteskic) Motion carried.
Ayes: Viteskic, Cayetano, Allan, DeTemple, Buswell-Charkow and Sharma.
Noes: Cayetano. Abstain: None. Absent: Wilson.

Motion to accept staff's recommendations for Allegation 12 in ODPa Complaint 2026-CI-0005.

Moved/Second (Cayetano/Sharma) Motion carried.
Ayes: Buswell-Charkow, Viteskic, Cayetano, Allan, DeTemple and Sharma.
Noes: None. Abstain: None. Absent: Wilson.

Motion to modify staff's recommendations for Officer 2 for Allegation 11 in ODPa Complaint 2026-CI-0005, overruling the previous motion on this allegation.

Moved/Second (Allan/DeTemple) Motion carried.
Ayes: Viteskic, Cayetano, Allan and DeTemple.
Noes: None. Abstain: Buswell-Charkow and Sharma. Absent: Wilson

Motion to modify staff's recommendations for Allegation 13 in ODPa Complaint 2026-CI-0005.

Moved/Second (Sharma/Cayetano) Motion carried.
Ayes: Viteskic, Cayetano, Buswell-Charkow, Sharma and DeTemple.
Noes: None. Abstain: Allan. Absent: Wilson

Motion to modify recommended disciplinary actions for ODPa Complaint 2026-CI-0005.

Moved/Second (Viteskic/Sharma) Motion carried.
Ayes: Viteskic, Cayetano, Buswell-Charkow, Sharma, Allan and DeTemple.
Noes: None. Abstain: None. Absent: Wilson

2026-CI-0007

Motion to accept staff's recommendations for ODPa Complaint 2026-CI-0007.

Moved/Second (Allan/Sharma) Motion carried.
Ayes: Cayetano, Buswell-Charkow, Sharma, Viteskic, Allan and DeTemple.
Noes: None. Abstain: None. Absent: Wilson.

2026-CI-0011

Motion to accept the staff's recommendations in ODPa Complaint 2026-CI-0011 with two modifications.

Moved/Second (DeTemple/Sharma) Motion carried.
Ayes: Viteskic, DeTemple, Buswell-Charkow and Sharma.
Noes: None. Abstain: Cayetano and Allan. Absent: Wilson.

2024-CI-0004

Motion to administratively close ODPa Complaint 2024-CI-0004.

Moved/Second (Cayetano/Viteskic) Motion carried.

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

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

END OF CLOSED SESSION

12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

Chair Cayetano announced the closed session actions.

13. ADJOURNMENT AT 10:34 PM

Motion to adjourn. Moved/Second (Sharma/Viteskic). The meeting was adjourned at 10:34 PM by unanimous consent.

Minutes Approved On: 10/21/2026

Jose Murillo, Commission Secretary 