



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING MINUTES
WEDNESDAY, SEPTEMBER 23, 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 6:35 PM

Present:	Board Member Leah Wilson (Vice 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 Joshua Cayetano (Chair) 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. Jesse Grant

¹ Board Member Cayetano (Chair) was granted a leave of absence for the September 23, 2026 PAB Meeting.

2. APPROVAL OF AGENDA

Motion to approve the agenda.

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

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

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

3. PUBLIC COMMENT

4 Physically Present Speakers

2 Virtually Present Speakers

4. APPROVAL OF MINUTES

- a. Minutes for the Regular Meeting of September 9, 2026.

Motion to approve the minutes for the Regular Meeting of September 9, 2026.

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

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

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

5. ODPa STAFF REPORT

Interim Director Lee reported that the permanent Director's appointment was scheduled for City Council consideration on September 29, with a planned October 5 start date. A two-week overlap had been approved, and her final day as Interim Director was scheduled for October 16. ODPa staff met with Berkeley Law Police Review Project students about potential assistance to complainants and research support. Interim Director Lee also provided an update on vendor demonstrations, proposal evaluation, and reference checks for the public safety technology RFP.

6. CHAIR AND BOARD MEMBERS' REPORTS

The Vice Chair and Board Members reported on their activities since the last PAB meeting on September 9, 2026.

7. CHIEF OF POLICE'S REPORT

Deputy Chief Tate reported on recent vehicle burglaries and an assault investigated as a hate crime, community events, and staffing. BPD has 151 of 164 authorized officer positions filled, nine recruits in the academy, and 18 of 25 dispatcher positions filled. She acknowledged Secure Justice's letter concerning the ALPR audit and said BPD would review it. She also discussed the mutual aid air support item scheduled for City Council on September 29 and requested clarification of the Board's proposed policy language.

8. SUBCOMMITTEE REPORTS

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

9. DISCUSSION AND ACTION ITEMS

- a. Status of Responses to Request for Proposals for Public Safety Technology (Wilson)

The Board discussed data access, security, and independent auditing of the proposed technologies. Board Member Sharma was asked to summarize his research on independent audit providers and potential costs in a memo to inform a possible Board recommendation. No formal action was taken.

- b. Amendment to BMC Chapter 2.99 to Establish Surveillance Technology Accountability Requirements and to Revise the Annual Surveillance Technology Reporting Schedule (ODPA)

Interim Director Lee summarized the proposed surveillance technology ordinance amendments. The Board discussed whether further revisions may be needed after the technology vendors are selected. No action was taken.

- c. Berkeley Police Department Flock Automated License Plate Reader Audits – January 2026 – June 2026 (Cayetano)

Motion to continue Item 9c to the October 7, 2026 Board meeting

Moved/Second (DeTemple/Sharma) Motion carried.

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

Noes: None. Abstain: Allan. Absent: Cayetano.

- d. Updated Policy Review Proposal for 2025-PR-0004 (ODPA)

Motion to approve staff's proposal to continue the policy review for 2025-PR-0004.

Moved/Second (DeTemple/Viteskic) Motion carried.

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

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

- e. BPD Policy 300 "Use of Force" (Cayetano)

Chair Cayetano was absent, so the Board did not discuss the item. No action was taken.

10. PUBLIC COMMENT

2 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

The Board considered matters related to the ongoing meet-and-confer process concerning permanent regulations and provided updates regarding the ongoing meet-and-confer process.

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

2025-CI-0018

Motion to accept staff's recommendations for Allegations 1, 2, 4, 5, 6, and 7, excluding Allegation 3, and to add a section describing the procedural history, including tolling issues, ODPa's efforts to fully and fairly investigate the complaint, and the Board's direction.

Moved/Second (Wilson/Viteskic) Motion carried.

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

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

Motion to accept staff's recommendations in 2025-CI-0018

Moved/Second (Wilson/Allan) Motion failed.

Ayes: Wilson, Allan and DeTemple.

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

Motion to modify staff's recommendation for Allegation 3.

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

Ayes: Viteskic, Buswell-Charkow and Sharma.

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

2025-CI-0037

Motion to accept staff's recommendations for Complaint 2025-CI-0037.

Moved/Second (Allan/Wilson) Motion failed.

Ayes: Wilson, Allan and DeTemple.

Noes: Buswell-Charkow and Viteskic. Abstain: Sharma. Absent: Cayetano.

Motion to accept staff's recommendations except for allegations 3 & 6 in ODPa Complaint 2025-CI-0037.

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

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

Noes: Allan. Abstain: None. Absent: Cayetano.

Motion to accept staff's recommendation for allegation 3 in ODPa Complaint 2025-CI-0037.

Moved/Second (Viteskic/Wilson) Motion carried.

Ayes: Viteskic, Wilson, Allan and DeTemple.

Noes: Buswell-Charkow. Abstain: Sharma. Absent: Cayetano.

Motion to modify staff's recommendation for Officer 2 in Allegation 6 of ODPa Complaint 2025-CI-0037.

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

Ayes: Buswell-Charkow, Viteskic and Sharma.

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

Motion to add a procedural section for all cases affected by tolling dispute.

Moved/Second (Wilson/Viteskic) Motion carried.

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

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

Motion to accept staff's recommendation for Officer 2 in Allegation 6.

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

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

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

2026-CI-0009

Motion to accept staff's recommendations for Complaint 2026-CI-0009.

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

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

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

END OF CLOSED SESSION

12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

Vice Chair Wilson announced the closed session actions.

13. ADJOURNMENT AT 9:15 PM

Motion to adjourn. Moved/Second (Wilson/Buswell-Charkow). The meeting was adjourned at 9:15 PM by unanimous consent.