



POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA
WEDNESDAY, May 21, 2025
6:30 P.M.

Board Members

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|-------------------------|--------------------------|
| Joshua Cayetano (Chair) | Leah Wilson (Vice-Chair) |
| Kitty Calavita | Juliet Leftwich |
| David Williams | Randy Wells |
| Macharia Edmonds | |

MINUTES

1. CALL TO ORDER AND ROLL CALL

Present: Board Member Joshua Cayetano (Chair)
Board Member Kitty Calavita
Board Member Juliet Leftwich
Board Member Randy Wells
Board Member Macharia Edmonds

Absent: Board Member David Williams¹
Board Member Leah Wilson (Vice Chair)

ODPA Staff: Hansel Aguilar, Director of Police Accountability
Syed Mehdi, Data Analyst
Jose Murillo, Policy Analyst
Daniel Weinberg, Investigative Clerk

BPD Staff: Deputy Chief Tate
Lieutenant Bonaventure

¹ Board Member Williams is on an extended leave of absence until June 19, 2025.

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Calavita/Leftwich) Motion carried.

Ayes: Calavita, Cayetano, Edmonds, Leftwich, and Wells.

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

3. PUBLIC COMMENT

0 Physically Present Speakers

0 Virtually Present Speakers

4. APPROVAL OF MINUTES

- a. Minutes for the Regular Meeting of May 7, 2025

Motion to approve the Minutes for the Regular Meeting of May 7, 2025

Moved/Second (Leftwich/Wells) Motion carried.

Ayes: Calavita, Cayetano, Edmonds, Leftwich, and Wells.

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

5. ODPa STAFF REPORT

Director Aguilar reported on several key items: He recognized May as both Mental Health Awareness Month and AANHPI Heritage Month. He noted that the Annual Report is still under review—some feedback has been received, and coordination with the review committee is ongoing. Director Aguilar also shared that a directive from City Council may impact staffing and indicated that this matter would be addressed later in the meeting. He highlighted several upcoming NACOLE webinars including one on the use of AI in police oversight,² and another in August focused on police officer decertification in California.³ Additionally, a regional NACOLE meeting for Bay Area oversight practitioners is also expected to take place in July. Staff and board members interested in attending any of the webinars are encouraged to do so either remotely or from the ODPa office.

² June 12, 2025 NACOLE Webinar Titled “The New World of Artificial Intelligence: Opportunities for Police Oversight Practitioners?”: https://www.nacole.org/2025_nacole_webinar_series_june

³ August 6, 2025 NACOLE Webinar Titled “Hate Crimes, Explicit Bias, and Implicit Bias: Evolution of Standards for Decertification of Police Officers in California”:
https://www.nacole.org/2025_nacole_webinar_series_august

6. CHAIR AND BOARD MEMBERS' REPORTS

The Chair reported that he, the Director, and the Vice Chair met with the Mayor and other parties to discuss letters sent by the PAB to City Council. He also spoke with the Mayor's staff and invited them to attend PAB meetings to provide input. The Chair attended the City Council meeting on May 20, 2025⁴ and gave public comment on the Controlled Equipment Report.

7. CHIEF OF POLICE'S REPORT

Deputy Chief Tate reported on crime/cases of interest, community engagement/departments events, staffing, training, and other items of interest. The Deputy Chief also shared that BPD would be sharing information at the May 22, 2025 meeting of the Budget & Finance Committee⁵.

8. SUBCOMMITTEE REPORTS

The PAB's subcommittees reported on their activities since the last PAB meeting on May 7, 2025.

9. DISCUSSION AND ACTION ITEMS

- a. Discussion – Overview of ODPAs Duties, Responsibilities, Workplan, and Current Projects

No formal action was taken. Director Aguilar informs the PAB of Council inquiries related to the PAB-ODPA budget. The item is continued to a future meeting.

- b. Discussion and action on a recommendation to City Council to submit an amicus brief in the case of *Independent Office of Law Enforcement Review & Outreach v. Sonoma County Sheriff's Office*

John Alden, IOLERO's executive director, provides an overview of the issues in *IOLERO v. Sonoma County Sheriff's Office*. The PAB discusses their next steps.

⁴ May 20, 2025 Berkeley City Council Meeting Agenda: <https://berkeleyca.gov/city-council-regular-meeting-agenda-may-20-2025>

⁵ May 21, 2025 City of Berkeley Budget & Finance Committee Meeting Agenda: berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2025-05-22_Agenda_Packet_-_BUDGET_%28Revised%29_1.pdf

Motion to not proceed with the recommendation to City Council to submit an amicus brief in the case of *Independent Office of Law Enforcement Review & Outreach v. Sonoma County Sheriff's Office*.

Moved/Second (Calavita/Leftwich) Motion carried.

Ayes: Calavita, Cayetano, Edmonds, Leftwich, and Wells.

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

- c. Recap, discussion, and action regarding the City Council's review of BPD's 2024 Controlled Equipment Report
 - i. PAB-ODPA Updates
 - ii. Recap of Council Discussion

The PAB discusses potential next steps following Council's May 20th approval of the BPD's 2024 Controlled Equipment Report.

Motion to issue a subpoena for the documents relevant for the review of the 2024 Controlled Equipment Report.

Moved/Second (Edmonds/Wells) Motion does not carry, no additional action was taken⁶

Ayes: Calavita, Cayetano, and Edmonds.

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

- d. Continued discussion and action on the City of Berkeley's Records Retention Schedule (Leftwich)
 - i. City Clerk's Retention Schedule Update Timeline
 - ii. Berkeley Police Department Retention Schedule
 - iii. PAB-ODPA Retention Schedule

Board Member Leftwich provides background on the item, and Director Aguilar gives an update on the status of the request for information related to the City Clerk's retention schedule update timeline and research into best practices for the retention of similar items.

⁶ Under Chapter V, Section 4, "Voting," of the City of Berkeley Commissioner's Manual: "The number of affirmative votes needed to pass a motion is the same number that constitutes a quorum—a majority of Actual Appointees. This ensures that a majority of those actually appointed to a commission endorse the action being taken." The PAB currently has 7 appointed members, with one member on an approved leave of absence and another absent without leave. As a result, at least 4 affirmative votes are required to pass a motion. Source: <https://berkeleyca.gov/sites/default/files/documents/Commissioners%27%20%26%20Board%20Members%27%20Manual%202025%20Edition.pdf>

- e. Discussion and action on resubmitting to City Council the PAB's recommendation to adopt a stand-alone arrest quota ban, as outlined in the 2024 report *Berkeley Police Department Texting Offences: An Independent Investigation by the Police Accountability Board*⁷ (ODPA)

Motion to not resubmit the recommendation to Council at this point and instead create a subcommittee to work on the development of a quota prohibition policy with the Berkeley Police Department and assign Board Member Edmonds and Wells to the subcommittee.

Moved/Second (Calavita/Leftwich) Motion carried.

Ayes: Calavita, Cayetano, Edmonds, Leftwich, and Wells.

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

- f. Continued discussion and action regarding the BPD's Mutual Aid Agreements with federal immigration officials (Cayetano)

No action was taken. The PAB discussed the current status of the process and the BPD's updates.

10. PUBLIC COMMENT

0 Physically Present Speakers

0 Virtually Present Speakers

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 ODPAs:

Motion to accept the ODPAs' findings in Case Number 2025-CI-0001 with modification to the recommendation.

Moved/Second (Leftwich/Calavita) Motion carried.

⁷ July 10, 2024 Report Titled: Berkeley Police Department Texting Offences: https://berkeleyca.gov/sites/default/files/documents/2024-08-29_BPD_Texting_Offences_PAB_Investigation_Report_Final.pdf

Ayes: Calavita, Cayetano, Wells, and Leftwich.

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

END OF CLOSED SESSION

12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

Chair Cayetano announces closed session actions.

13. ADJOURNMENT

Motion to adjourn. Moved/Second (Leftwich/Calavita). The meeting was adjourned at 8:57 PM by unanimous consent.

Minutes Approved On: 06/11/2025

Hansel A. Aguilar, Commission Secretary:

