



OFFICE OF THE DIRECTOR  
OF POLICE ACCOUNTABILITY

*Katherine J. Lee*

**POLICE ACCOUNTABILITY BOARD**  
**REGULAR MEETING**  
**MINUTES**  
*(approved)*

**Wednesday, January 12, 2022, 7:00 P.M.**

**No physical location; meeting held exclusively through videoconference and teleconference.**

**1. CALL TO ORDER & ROLL CALL BY CHAIR RAMSEY AT 7:01 P.M.**

Present: Board Member Ismail Ramsey (Chair)  
Board Member Michael Chang (Vice-Chair)  
Board Member Kitty Calavita  
Board Member Regina Harris  
Board Member Juliet Leftwich  
Board Member Deborah Levine  
Board Member Nathan Mizell (arrived 7:04 p.m.)  
Board Member John Moore  
Board Member Cheryl Owens

Absent: None

ODPA Staff: Katherine J. Lee, Interim Director of Police Accountability  
Byron Norris, DPA Investigator

BPD Staff: Capt. Joe Okies, Sgt. Darren Kacalek (BPA), Ofc. Matthew Valle (BPA)

**2. APPROVAL OF AGENDA**

**Motion to approve the agenda.**

Moved/Second (Calavita/Moore) **Motion Carried by general consent**

**3. PUBLIC COMMENT**

14 speakers.

**4. APPROVAL OF MINUTES**

a. Special meeting of December 7, 2021.

**Motion to approve Special Meeting Minutes of December 7, 2021**  
Moved/Second (Calavita/Harris) **Motion Carried by general consent**

b. Regular meeting of December 8, 2021.

**Motion to approve Regular Meeting Minutes of December 8, 2021**  
Moved/Second (Calavita/Moore) **Motion Carried by general consent**

## **5. CHAIR'S REPORT**

Chair Ramsey reported: taking nominations for chair and vice-chair today.

Regarding an investigation that many members of the public commented on, there was not enough time to agendaize for tonight's meeting. Will discuss at next meeting.

Board Member Mizell reported on Reimagining Public Safety Task Force: Met Jan. 6; working on responses to NICJR report. Next meeting Monday, Jan. 24 at 6 pm. Task Force will have worksession with Council. Series of community meetings to comment on NICJR report: Jan. 13, Jan. 20, Feb. 3 via Zoom; possibly Jan. 26 in person.

## **6. DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT**

The Interim Director reported:

-- One new case filed since December meeting; complainant has requested mediation. A complaint filed in June 2021 was on hold pending adjudication of criminal case; that case now over so investigation beginning. 1<sup>st</sup> hearing panel of PAB set for Jan. 31. In midst of peak of work on complaints filed last July.

-- Staff also very busy with policy work.

-- Reminder to email staff when completing training; will be working on stipends for last quarter of 2021.

-- Attended NACOLE 2021 annual conference in Tucson Dec. 12 -16 with Investigator Norris and Board member Moore. Gave presentation on transition to PAB/DPA as part of panel on reforming existing oversight agencies.

Board member Moore reported on his attendance at NACOLE conference. 4 to 5 sessions daily; quite intense. Biggest takeaway was panel on crisis intervention and mental health; learned about models in 3 cities.

## **7. CHIEF OF POLICE'S REPORT**

Captain Okies reported on behalf Interim Chief Louis:

-- 149 sworn officers, 4 officers just started field training, 3 recruits in academy for 156 total. An officer to retire next week and others to retire this calendar year.

-- 92% of BPD employees (includes non-sworn) are vaccinated. 8% have exemptions or are under review by HR Dept. Don't know % of sworn that are vaccinated.

-- Meet-and-confer re Early Intervention System and consent form is ongoing and Chief hopes to have more to report at your next meeting.

-- Working on first report for Controlled Equipment Ordinance; required one year from May 11 and each year after that by March 15. Must present to PAB before going to Council, so you'll receive by March 11.

-- Re recent death of inebriated man: BPD has initiated a review of the process, including policies, such as General Order I-15 and Policy 900; see whether existing policies adequate and were they followed by those involved.

Capt. Okies answered questions from Board members.

## **8. SUBCOMMITTEE REPORTS (discussion and action)**

Report of activities and meeting scheduling for all Subcommittees, possible appointment of new members to all Subcommittees, and additional discussion and action as noted for specific Subcommittees:

- a. Fair & Impartial Policing Implementation – (see Item 10.d. below.)
- b. Director Search. Brown Act requirements for subcommittees have been suspended, so this (and other) subcommittees can meet on their own if they wish.
- c. Regulations. Next meetings January 27 and February 3 at 6:45 p.m.
- d. Mental Health Response (Policy Complaint #7) – meeting to be scheduled.

## **9. OLD BUSINESS (discussion and action)**

- a. Further report on City Attorney conflict-of-interest issues.  
Discussed; no action. Continued to the next meeting
- b. Revision of Policy 425, Body Worn Cameras, to broaden access by PAB and ODP. 8:25 p.m.  
Discussed; no action. Continued to the next meeting.
- c. Update from Police Department regarding the October 15 incident involving a gun on the Berkeley High Campus.  
Continued to the next meeting.
- d. Vaccination status of BPD employees.  
Discussed; no action. Continued to the next meeting

## **10. NEW BUSINESS (discussion and action)**

- a. Nomination of PAB Chairperson and Vice-Chairperson  
**Board member Ramsey nominated Board member Chang for Chairperson; nomination accepted.**

**Board member Calavita nominated Board member Owens for Vice-chairperson; nomination declined.**

**Board member Leftwich nominated Board member Mizell for Vice-chairperson; nomination accepted.**

b. PAB Standing Rules

**Motion to have Interim Director bring back revised language for the Standing Rules to consider at the next meeting.**

Moved/Second (Calavita/Leftwich) **Motion Carried**

Ayes: Calavita, Chang, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: None

ii.) Authorize Chair and Vice-Chair to appear at City Council meeting regarding Standing Rules.

*Postponed to the next meeting.*

c. Automated License Plate Readers (ALPRs): Review BPD's proposed ALPR Use Policy and Councilmember Harrison's proposed revisions, and provide feedback.

**Motion to send a letter to the City Council urging them to postpone their decision on the proposed ALPR Use Policy and any other use of ALPRs until the new Board has time to digest their implications for the City; and authorize the Chair and Interim Director to finalize the language of the letter.**

Moved/Second (Levine/Leftwich) **Motion Carried**

Ayes: Calavita, Chang, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: None

d. Recommendation from Fair & Impartial Policing (FIP) Implementation Subcommittee regarding access to BPD draft policies related to FIP.

**Motion to send the letter proposed by Board member Calavita to Chief Louis.**

Moved/Second (Calavita/Leftwich) **Motion Carried**

Ayes: Calavita, Chang, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: None

e. Consider opening a policy review regarding authorizing paramedics to inject suspect with a substance (possibly a sedative).

*Postponed to the next meeting.*

f. Policy Complaints #11 and #12: consider whether to open review of policies.

*Postponed to the next meeting.*

**11. PUBLIC COMMENT**

No speakers.

**Closed Session**

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 take action on the following matter(s):

**12. CONSIDER FINDINGS AND RECOMMENDATIONS OF INTERIM DIRECTOR IN COMPLAINT #5 AND DECIDE WHETHER A HEARING IS NEEDED**

**Motion to conduct further fact-finding in a confidential personnel hearing.**

Moved/Second (Ramsey/Moore) **Motion Carried**

Ayes: Calavita, Chang, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: None

**13. REVIEW ADMINISTRATIVE LAW JUDGES' CALOCA DECISIONS IN PRC COMPLAINTS #2484 AND #2485**

Discussed; no action.

**End of Closed Session**

**14. ANNOUNCEMENT OF CLOSED SESSION ACTION**

The vote to hold a hearing in Complaint #5 and the discussion without action on the *Caloca* decisions was announced.

**15. ADJOURNMENT**

**Motion to adjourn the meeting.**

Moved/Second (Mizell/Leftwich) **By general consent, the meeting was adjourned at 10:24 p.m.**