



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
MINUTES
(approved)

Wednesday, January 26, 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 7:00 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
Board Member John Moore
Board Member Cheryl Owens

ODPA Staff: Katherine J. Lee, Interim Director of Police Accountability

BPD Staff: Interim Chief Jennifer Louis, Lt. Rob Rittenhouse, Ofc. Matthew Valle (BPA)

2. APPROVAL OF AGENDA

Motion to approve the agenda.
Moved/Second (Calavita/Leftwich) **Motion Carried by general consent**

3. PUBLIC COMMENT

3 speakers.

4. APPROVAL OF MINUTES

a. Special meeting of January 5, 2022.

Motion to approve Special Meeting Minutes of January 5, 2022

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

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

Noes: None

Abstain: Mizell

Absent: None

b. Regular meeting of January 12, 2022.

Motion to approve Regular Meeting Minutes of January 12, 2022

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

5. CHAIR'S REPORT

Chair Ramsey reported: The BPA has again requested that the City meet and confer over the interim regulations.

Board Member Mizell reported on Reimagining Public Safety Task Force (RPSTF): Met Jan. 24; working on draft response to NICJR recommendations. Next meeting Feb. 10 at 6 p.m. Final recommendations to be sent to Council for a March 10 worksession.

6. DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT

The Interim Director reported:

- No new complaints filed since the last meeting.
- On January 25 Council postponed ALPR Use Policy.
- Possible closed session February 9.
- See packet for list of current and pending work. More work than staff can support, so please keep in mind when proposing new items.
- Investigator Byron Norris is retiring March 25.

7. CHIEF OF POLICE'S REPORT

Interim Chief Louis reported:

- Cases of interest: 1) Jan. 19 fight among Berkeley High students and report of handgun, which turned out to be a replica firearm. BPD's School Resource Officer ID'd the student. Good example of collaboration among SRO, other officers, and BUSD. 2) Just announced today an arrest in the Oct. 2020 murder of Sereinat'e Henderson. Very proud of hard work of detectives.
- Staffing: 2 longtime officers just retired. Currently 154 sworn, including 4 in first phases of FTO and 3 in Academy.
- No new data to share re vaccination status of officers. HR Dept. continuing to process and evaluate exemption requests.
- During Internal Affairs' presentation to RPSTF, got feedback on making complaint form more accessible and clear. DPA also made suggestions. New form will be on website soon.
- Acknowledge letter from Board re request for documents relating to FIP. Appreciate straightforwardness and spirit of collaboration. Collaboration critical to

success and legitimacy of both PAB and BPD. Working to pull items together. M&C moving along and hope to have by Feb. 2.

Interim Chief Louis 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. Chair Calavita: meeting February 3 at 3:30 p.m.
- b. Director Search. Co-chair Levine: plan to meet independently of any request from Byers Group to do so.
- c. Regulations. Chair Chang: meeting tomorrow night and February 3 at 6:45 p.m. Encourage BPA members to attend.
- 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 and possible next steps.
Discussed; no action.
- b. Revision of Policy 425, Body Worn Cameras, to broaden access by PAB and ODP.
(Postponed to the next meeting.)
- c. Update from Police Department regarding the October 15 incident involving a gun on the Berkeley High Campus.
Discussed; no action.
- d. Vaccination status of BPD employees.
Discussed; no action.
- e. PAB Standing Rules.
 - i.) Review Interim Director's revisions to Mayor's proposed amendments to Standing Rules, and approve or offer alternate revisions.

Motion to accept the changes proposed by the Interim Director to the Mayor's amendments and submit to the City Council for ratification.

Moved/Second (Calavita/Harris) **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.

Motion to authorize the Chair and Vice-Chair to appear at the City Council meeting regarding Standing Rules.

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

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

Noes: None

Abstain: None

Absent: None

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

Motion to support the ALPR Use Policy proposed by Councilmember Harrison.

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

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

Noes: None

Abstain: None

Absent: None

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

Motion to open policy review into authorizing a paramedic to inject a suspect with a substance.

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

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

Noes: None

Abstain: None

Absent: None

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

Motion to decline to open the complaints.

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

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

Noes: None

Abstain: None

Absent: None

10. NEW BUSINESS (discussion and action)

- a. Decide whether to initiate an investigation into the death of a man released from Berkeley Police custody on or about January 9, 2022.

Motion to initiate an investigation into the death of the man released from Berkeley Police custody on or about January 9, 2022.

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

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

Noes: None

Abstain: None

Absent: None

b. Election of PAB Chairperson and Vice-Chairperson

No further nominations were made for Chairperson.

Board member Chang was elected Chairperson by acclamation.

No further nominations were made for Vice-Chairperson

Board Member Mizell was elected Vice-Chairperson by acclamation.

11. PUBLIC COMMENT

2 speakers.

12. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Second (Calavita/Levine) **By general consent, the meeting was adjourned at 9:46 p.m.**

