

**Joint Resignation Statement of Police Accountability Board Members  
Kitty Calavita and Juliet Leftwich**

It is with sadness that we announce our joint resignation from the Berkeley Police Accountability Board (PAB).

In 2020, Berkeley voters overwhelmingly approved the creation of the PAB to “promote public trust through independent, objective, civilian oversight of the Berkeley Police Department...” The PAB was created to enhance the powers of the Berkeley Police Review Commission (PRC), established by voter initiative in 1973 as the first civilian oversight body in the nation with independent authority to investigate complaints against police officers. Having served on both the PRC and the PAB, however, we have seen firsthand that the PAB has not been permitted to exercise its expanded oversight authority and is even *less* empowered than its predecessor.

During our tenure on the PRC, we worked collaboratively with the Berkeley Police Department and the previous Chief of Police on several aspects of our work, including a variety of policy and practice reviews. Although some issues were contentious, we were able to achieve many important policy reforms, including a policy to prohibit police from searching people solely because they were on supervised release, and a comprehensive policy governing the use of force.

Unfortunately, reforms that were achieved by the PRC are now being undone. The limitation on police searches of people on supervised release, for example, which had been worked out through careful collaboration during eighteen months of meetings, was subsequently revisited by the City Council and narrowed.

More recently, in December, the Department presented the PAB with a last-minute draft of draconian changes to the use of force policy which had been painstakingly crafted by the PRC with significant input from the prior Chief and his staff and subsequently approved by City Council. Although purportedly intended to “streamline” the policy, the redlines completely eviscerated the document. Language regarding the sanctity of life was removed, together with the seven Core Principles of the policy (which include a commitment to “ensuring accountability and transparency, and striving to increase trust with our community”). Although the Department stated that they will work with the PAB on the final version of the new policy, it’s doubtful that any real collaboration is possible given how radical the changes are and how abruptly the PAB was informed about them.

A further obstacle to the PAB’s exercise of its voter-approved authority has been the difficulty accessing essential records. Since its inception, the PAB has spent almost as

much time and energy fighting to secure Charter-mandated access to Police Department records as it has on actual oversight.

A case in point relates to the PAB investigation of the Downtown Task Force/Bike Force texting scandal, one of the most shocking incidents during our tenure. Because no formal complaint about the egregious texts was filed with the Office of the Director of Police Accountability, the PAB was limited to undertaking a policy and practices review. We soon learned that we would not be allowed to access information gathered by the outside law firm the City hired to investigate. At first, we were not even permitted to *read* the firm's final report. Only after many months of insistent memos, our own legal analyses, and the threat of a subpoena (which, contrary to the clear words of the Charter, we were initially told we were not authorized to issue), was the PAB allowed to read the final report and eventually to hear the audiotapes of officer interviews. Although the report we produced contained detailed suggestions for policy changes, our recommendations were summarily dismissed by Council.

In another policy arena, the PAB's recommendations for caution in approving the installation of surveillance cameras—specifically those provided by the Flock surveillance system—also have been ignored. The PAB has pointed out that, as reported in multiple media outlets, data from the Flock system has been leaked to ICE. City leaders have largely discounted the PAB's feedback on a wide assortment of other matters, too.

The PAB should be viewed as a powerful resource that can provide deeply researched policy recommendations that prioritize both public safety concerns and Berkeley's progressive values. It can be an ally in the construction of evidence-based, effective, and just policy.

Beyond the policy arena, we have been significantly frustrated by the City's failure to complete the "meet and confer" process for the PAB's permanent regulations. A comprehensive draft of those regulations was developed by a PAB Subcommittee in consultation with a representative of the Police Department and approved unanimously by the full PAB in April of 2023 – nearly *three* years ago. The current protracted process has required us, as the PAB representatives, to spend countless hours in preliminary negotiations with a large group of "internal stakeholders," including the Police Chief and representatives of the Offices of the City Manager, Human Resources and City Attorney, to obtain *their* approval of *our* regulations before bargaining with the union.

During an inefficient years-long process, we have had to compromise with this internal stakeholders group on a variety of provisions in order to move forward. We were not, however, willing to abandon two essential, common-sense regulations intended to enhance public trust in how allegations of police misconduct are resolved. In December, the internal

stakeholders group appeared before the City Council in closed session for Council to resolve the dispute between us as PAB representatives on one hand, and the Police Chief, Deputy City Manager, and Director of HR on the other. We were greatly disappointed, although not surprised, when Council overwhelmingly sided with the Chief and other internal stakeholders. We are not currently permitted to speak to the press or in a PAB open session about the specific regulatory provisions in question.

Finally, although the PAB carefully considers allegations of misconduct against police officers and often finds that no misconduct occurred, the Chief and City Manager have routinely reversed our decisions when we have sustained the allegations based on our thorough factual and legal analyses.

We know that the PAB is only an advisory body. If our findings and policy recommendations have not always been accepted, that is understandable. What is unacceptable is the consistent pattern of reversals, the delays in providing information critical to doing our job, and the ongoing rollbacks of policies previously agreed to after extensive research and collaboration.

For more than half a century, Berkeley was a model for other cities seeking meaningful police oversight. No more. Over 84% of Berkeley voters established and empowered the Police Accountability Board, but their will has been ignored and the advances they envisioned have often been subverted.

Because we believe our continued efforts to fulfill the mission of the PAB will be in vain, we regrettably must resign. We do not come to this decision lightly. We have enormous respect for our PAB colleagues. We applaud their dedication and expertise and will miss them deeply. It has been an honor to work with them and former colleagues on important issues over the years, and we are grateful to have had the opportunity to be of service to our community.