



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, January 9, 2019
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY VICE CHAIR PEREZVELEZ AT 7:08 P.M.

Present: Commissioner George Perezvelez (Vice Chair)
Commissioner Gwen Allamby
Commissioner Kitty Calavita
Commissioner Elisa Mikiten (arrived 8:10 p.m.)
Commissioner Andrea Prichett
Commissioner Ismail Ramsey
Commissioner Terry Roberts
Commissioner Ari Yampolsky (arrived 7:15 p.m.)

Absent: Commissioner Sahana Matthews

PRC Staff: Katherine J. Lee, PRC Officer; Byron Norris, PRC Investigator

BPD Staff: Chief Andy Greenwood, Capt. Rico Rolleri, Lt. Joe Okies (all left ≈ 9:25 p.m.); Sgt. Cesar Melero (left 9:45 p.m.)

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

3. PUBLIC COMMENT

There were 2 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes draft of December 12, 2018.

Moved/Seconded (Ramsey/Allamby) **Motion Carried**

Ayes: Allamby, Calavita, Perezvelez, Prichett, Ramsey, Roberts, and Yampolsky.

Noes: None Abstain: None Absent: Matthews, Mikiten

5. CHAIR'S REPORT

Vice-Chair Perezvelez noted that today is Law Enforcement Appreciation Day, and specifically thanked the police officers and fire department personnel who responded when former PRC Commissioner Alison Bernstein and her wife Judy Appel were struck by a car and seriously injured last Friday night. Please keep them in your thoughts and prayers.

Michael Sherman has been replaced as Commissioner.

New Commissioner Elisa Mikiten introduced herself. [Following Item #6.b.]

6. PRC OFFICER'S REPORT

a. Status of complaints; other items.

-- Two new complaints filed since the December 12 PRC meeting, for a total of four complaints filed in December.

-- PRC's Council Item on extending the 120-day time limit for discipline has gone to the City Manager's Office; as an Action item it requires a City Manager response or companion report.

-- All commission secretaries were asked to circulate draft of City's Local Hazard Mitigation Plan for comment; was distributed to Commissioners. Let PRC Officer know if want to amend.

-- Commission secretaries also asked to publicize upcoming workshops for transforming the City's Transfer Station into a Zero Waste Facility.

-- For the first time, PRC staff has received body camera footage related to complaint investigations.

b. Prioritizing tasks (**discussion & action**)

(i) How to prioritize new items

Motion that the Chairperson of the PRC has discretion to prioritize new items for placement on the agenda.

Moved/Seconded (Ramsey/Perezvelez)

Friendly amendment: that this current authority of the Chairperson is affirmed.

Moved by Calavita; Accepted by Ramsey and Perezvelez

Motion, as amended, carried

Ayes: Allamby, Calavita, Mikiten, Perezvelez, Ramsey, Roberts, and Yampolsky.

Noes: None

Abstain: Prichett

Absent: Matthews

(ii) Prioritizing two sub-items under issues surrounding BPD response to August 5, 2018 protests, in light of Comm. Prichett's revision of her item (see 11.e.(i) below) to "Review whether BPD is following post-December 2014 recommendations to de-escalate crowds"; and "Review BPD policies and practices for de-escalating situations involving people with mental health disabilities."

(No action taken in light of preceding actions.)

7. CHIEF OF POLICE'S REPORT

Crime, budget, staffing, training updates, and other items.

Chief Greenwood reported:

- Planning for the March timesheet [assignment of duties and shifts].
- Use of Force policy revisions are in meet-and-confer.
- Sgt. Stines unexpectedly resigned for a private sector position. 3 – 4 officers returned from other agencies.

Capt. Rolleri reported:

- Currently authorized for 181 officers and have 163, with 3 laterals starting in the next couple weeks. 8 in academy in different phases. In 4th recruitment of the year, low turnout but good candidates.
- Dispatchers 23 of 28 positions filled. Have completed recruitment exam and 8 are in background.
- CSOs [Community Service Officers] fully staffed and PEOs [Parking Enforcement Officers] are down 1, but 1 candidate is in background.
- All police departments nationwide and in the Bay Area are short-staffed and competing for same applicants.

Chief Greenwood and Capt. Rolleri answered questions from Commissioners.

8. DEMONSTRATION OF BODY-WORN CAMERA AND ASSOCIATED IPHONE BY BERKELEY POLICE DEPARTMENT

Lt. Okies, project manager for the body-worn camera (BWC) program, demonstrated how the BWC, the iPhone, and the Axon applications work. He and Capt. Greenwood answered questions from Commissioners.

9. SUBCOMMITTEE REPORTS (discussion & 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. Homeless Encampment Subcommittee

Motion to dissolve the Homeless Encampment Subcommittee

Moved/Seconded (Mikiten/Yampolsky) **Motion Carried**

Ayes: Allamby, Calavita, Mikiten, Perezvelez, Prichett, Ramsey, Roberts, and Yampolsky.

Noes: None

Abstain: None

Absent: Matthews

b. Prioritizing Safety for Sex Workers Subcommittee – Chairperson Ramsey reported on the Subcommittee's first meeting, held last month.

c. Lexipol Policies Subcommittee – Next meeting set for Monday, Jan. 14, at 6:00 p.m.

10. NEW BUSINESS (discussion & action)

- a. Amend Standing Rules to provide for election of officers during the second meeting of the calendar year.

Motion to amend the Standing Rules to provide for election of officers during the second meeting of the calendar year.

Moved/Seconded (Mikiten/Roberts)

Ayes: Allamby, Calavita, Mikiten, Perezvelez, Prichett, Ramsey, Roberts, and Yampolsky.

Noes: None

Abstain: None

Absent: Matthews

- b. Election of Chairperson and Vice-chairperson for 2019.

(Postponed to the next meeting in light of change to Standing Rules.)

11. OLD BUSINESS (discussion & action)

- a. Continue review of Lexipol Policy 425 on use of body-worn cameras, including sufficiency of provisions on use of associated iPhone, especially facial recognition capabilities; outstanding concerns from April 2017.

By consensus, this item was postponed to the next meeting.

- b. Responsiveness of BPD management to PRC requests.

Motion to close discussion on this item at this time and remove from agenda.

Moved/Seconded (Mikiten/Allamby)

Substitute motion: To postpone the remainder of the agenda and go into closed session.

Moved/Seconded (Perezvelez/Allamby) **Motion carried**

Ayes: Allamby, Calavita, Mikiten, Perezvelez, Prichett, Ramsey, Roberts, and Yampolsky.

Noes: None

Abstain: None

Absent: Matthews

- c. October 2, 2018 referral from City Council regarding the creation of training requirements for Police Review Commissioners.

(Item postponed to the next meeting.)

- d. Lexipol Policies for review and approval.

Lexipol #	G.O.	Title
312	I-15 (part), J-18 (part)	Temporary Custody of Juveniles
313	none	Adult Abuse
314	H-07	Discriminatory Harassment
315	C-08	Child Abuse

(Item postponed to the next meeting.)

- e. Examination of issues surrounding the BPD Response to Protests on August 5, 2018, including:
 - i) Pre-emptive confiscation of sound truck near Ohlone Park, and other “de-escalation” strategies used.
(Item to be revised.)
 - ii) Helping BPD better understand the changing role of Black Bloc to Antifa in making protests safer, for purposes of BPD’s handling of future protests to ensure all participants are safe.
(Item postponed to the next meeting.)
- f. Review requirements surrounding the preparation of After-Action Reports and whether release (or withholding) of such reports or parts thereof are compliant with the Public Records Act.
(Item postponed to the next meeting.)
- g. Issues surrounding Commissioners’ communications using personal devices and accounts being subject to Public Records Act requests, including whether Commissioners may be assigned City email addresses for Commission business.
(Item postponed to the next meeting.)

12. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached

13. PUBLIC COMMENT

There were 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 PRC will recess into closed session to discuss and take action on the following matter(s):

14. PRESENTATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2441

Motion to approve Complaint #2441 for administrative closure.

Moved/Seconded (Roberts/Allamby) **Motion Carried**

Ayes: Allamby, Calavita, Mikiten, Perezvelez, Ramsey, Roberts, and Yampolsky.

Noes: None Abstain: Prichett Absent: Matthews

End of Closed Session

15. ANNOUNCEMENT OF CLOSED SESSION ACTION

The vote to administratively close Complaint #2441 was announced.

16. ADJOURNMENT

By general consent, the meeting was adjourned at 10:02 p.m.