



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, July 24, 2019
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR PEREZVELEZ AT 7:06 P.M.

Present: Commissioner George Perezvelez (Chair)
Commissioner Gwen Allamby (Vice-Chair)
Commissioner Kitty Calavita
Commissioner Michael Chang
Commissioner LaMonte Earnest
Commissioner Sahana Matthews
Commissioner Ismail Ramsey
Commissioner Terry Roberts

Absent: Commissioner Elisa Mikiten

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood, Lt. Dave Lindenau, Sgt. Cesar Melero

2. APPROVAL OF AGENDA

Motion to approve the agenda.

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

Ayes: Allamby, Calavita, Chang, Earnest, Matthews, Perezvelez, Ramsey, and Roberts.

Noes: None

Abstain: None

Absent: Mikiten

3. PUBLIC COMMENT

There were 2 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of July 10, 2019, with three corrections.

Moved/Second (Allamby/Matthews) **Motion Carried**

Ayes: Allamby, Calavita, Chang, Earnest, Matthews, Perezvelez, Ramsey, and Roberts.

Noes: None

Abstain: None

Absent: Mikiten

5. CHAIR'S REPORT

-- This is Commissioner Roberts's last Commission meeting; he will attend the next Probation & Parole Questioning Subcommittee meeting and resign effective Aug. 15.

-- This is Commission Matthews's last meeting; she has to resign as she is moving out of Berkeley.

-- Comm. Roberts and Comm. Matthews each said a few words.

6. PRC OFFICER'S REPORT

-- One new complaint filed since the last meeting

-- Handed out minutes for Council Public Safety Policy Committee meeting of July 17 re amending Surveillance Ordinance to ban facial recognition technology; Committee asked for additional info from City staff as specified in minutes.

-- Council action on referrals and recommendations on stop data collection & analysis: handed out supplemental info from last night's Council meeting, but Council took no action and instead, Mayor said he would form an ad hoc task force to receive input from the Public Safety Policy Committee, Councilmember Harrison, the BPD, the PRC, and others, and report back at a future date.

-- Third handout is BPD's report of use of pepper spray. Council requires BPD to report each use to Council and PRC.

-- Today is the last PRC meeting until September 4. PRC Officer will be on vacation Aug. 12 – 23.

-- Hearing on a subject officer's *Caloca* appeal will take place July 30.

7. CHIEF OF POLICE'S REPORT

Chief Greenwood reported:

-- Currently 162 sworn officers. Swore in a lateral yesterday. Class of 3 starting academy Monday. Conducting background on 4 laterals. 7 more laterals interviewed today.

-- Coffee With A Cop held last Sat. at Nabolom. Next one Aug. 28 at 2131 Durant, 10 a.m. – 12 p.m.; all are invited.

-- Council approved receipt of two grants. 1) State Office of Traffic Safety to support enhanced traffic enforcement; and 2) State Dept. of Alcohol & Beverage Control.

Have gotten ABC grant 10 out of the past 11 – 12 years, thanks to Ofc. Rego's efforts. Boosts resources for enforcement of alcohol laws.

-- Over the weekend, a series of 3 sex grab cases. Ofcs. Martinez & Nabozny spotted person matching suspect description and detained; eventually arrested for all 3. In another case, a woman was dragged to secluded location and sexually assaulted. Officer spotted suspect and detained him; now in custody.

Chief Greenwood answered questions from the Commissioners.

8. 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. Lexipol Policies Subcommittee - update from July 18 and July 24 meetings given.
- b. MOU Compendium Subcommittee – waiting on Chief's answers.
- c. Standard of Proof Subcommittee – awaiting outcome of meet-and-confer.
- d. Probation & Parole Questioning Subcommittee – update from July 18 meeting given. Next meeting Aug. 14 at 11:00 a.m.
- e. Use of Force Subcommittee -- members to be appointed.

9. OLD BUSINESS (discussion & action)

- a. Review and approve the following Surveillance Use Policies and Surveillance Acquisition Reports under Surveillance Technology Use & Community Safety Ordinance, revised by BPD following discussion on June 12, 2019:

1301 – Global Positioning System (GPS) Tracking Devices (Use Policy) and Appendix A (Acquisition Report)

(Discussed; continued to next meeting to review responses and revisions from Chief.)

- b. Policy Complaint #2455: Decide whether to accept policy complaint based on additional information received and, if accepted, determine how to proceed.

By general consent, the Commission agreed to postpone deciding whether to open a policy complaint until the Chief returns with additional information about the calls for service from this address.

10. NEW BUSINESS (discussion & action)

- a. Review, revision, and approval of PRC's 2019-2020 Work Plan.

Motion to accept 2019-2020 Work Plan, with suggested revisions.
Moved/Second (Allamby/Calavita) **Motion Carried**

Ayes: Allamby, Calavita, Chang, Earnest, Matthews, Perezvelez, Ramsey, and Roberts.

Noes: None

Abstain: None

Absent: Mikiten

- b. Review Standing Rule C.2. enacted January 23, 2019, limiting the number of items a Commissioner may have on one agenda, to one.

Motion to fully adopt section C.2. of the Standing Rules as permanent part of the Regulations.

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

Ayes: Allamby, Calavita, Chang, Earnest, Matthews, Perezvelez, Ramsey, and Roberts.

Noes: None

Abstain: None

Absent: Mikiten

- c. PRC participation in National Night Out on Tuesday, August 6, 2019.

(Discussed; no formal action. Commissioners encouraged to participate.)

- d. Lexipol Policies for review and approval.

Lexipol #	G.O. (if any)	Title
319	H-04	Hate Crimes
322	E-12	Information Technology Use
333	A-50	Private Person's Arrests

Motion to accept Policy 319 as written

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

Ayes: Allamby, Calavita, Chang, Earnest, Matthews, Perezvelez, Ramsey, and Roberts.

Noes: None

Abstain: None

Absent: Mikiten

Motion to accept Policy 322 as written

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

Ayes: Allamby, Calavita, Chang, Earnest, Matthews, Perezvelez, Ramsey, and Roberts.

Noes: None

Abstain: None

Absent: Mikiten

Motion to accept Policy 333 as written

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

Ayes: Allamby, Calavita, Chang, Earnest, Matthews, Perezvelez, Ramsey, and Roberts.

Noes: None

Abstain: None

Absent: Mikiten

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

None.

12. PUBLIC COMMENT

There was 1 speaker.

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):

13. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2456

By general consent, the Commission deferred action on this recommendation pending the gathering of additional information.

End of Closed Session

14. ANNOUNCEMENT OF CLOSED SESSION ACTION

The Commission's vote to defer action on the recommendation in Complaint #2456 was announced.

15. ADJOURNMENT

By general consent, the meeting was adjourned at 9:28 p.m.