



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, February 13, 2019
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR PEREZVELEZ AT 7:10 P.M.

Present: Commissioner George Perezvelez (Chair)
Commissioner Gwen Allamby (Vice-Chair)
Commissioner Kitty Calavita
Commissioner Sahana Matthews
Commissioner Elisa Mikiten
Commissioner Andrea Prichett
Commissioner Ismail Ramsey
Commissioner Ari Yampolsky

Absent: Commissioner Terry Roberts

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood, Sgt. Cesar Melero

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

3. PUBLIC COMMENT

There were 3 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of January 23, 2018

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

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

Noes: None

Abstain: None

Absent: Roberts

5. CHAIR'S REPORT

Chair Perezvelez reported that he was interviewed by a reporter for the Berkeley High School newspaper regarding SB 1421.

He plans to agendize changes to the PRC enabling ordinance for the next meeting.

6. PRC OFFICER'S REPORT

-- Paul Buddenhagen, Deputy City Manager, was introduced. He recently was appointed permanently after serving as interim. Mr. Buddenhagen said a few words about himself.

-- No new complaints filed since the last PRC meeting. First BOI of this year scheduled for March 8.

-- SB 1421 legal update: 1) Judge in Contra Costa Co. ruled against unions representing county sheriffs and 6 city police depts. in the county. Denied preliminary injunction preventing release of records; stayed 10 days for opportunity to appeal. Judge found SB 1421 allows release of records pre-dating 1-1-2019. 2) State Attorney General announced that he won't release records pre-dating 1-1-2019 as he does not believe SB 1421 applies to such records.

-- SB 1421 in City: As Council decided that SB 1421 applies to pre 1-1-2019 records, the PRC Officer, BPD, and many others in City have been spending much time complying with PRA requests. Involves identifying/locating responsive records and then redacting. For requests covering long time periods, release will be on rolling basis. City is charging its usual rates.

-- NACOLE Regional Forum set for Friday, May 3. Save-the-date announcement says City is sponsor because Council permission needed for PRC to be listed as sponsor.

7. CHIEF OF POLICE'S REPORT

Chief Greenwood reported:

-- 166 officers; really 147 not counting officers in FTO, leave, etc. Just hired 3 laterals. Lt. Hawk is retiring. Promotional ceremony coming up.

-- 100-mile challenge ended Jan. 31; undertaken as part of efforts to encourage wellness and resiliency.

-- Command staff underwent City training on preparing Council items.

-- Council has formed several policy committees including one on Public Safety.

-- Contract being submitted for Council approval Feb. 19 to hire a marketing firm develop online ads; produce website video.

-- Conducted active shooter training for Council.

-- Several officers attended funeral for Ofc. Natalie Corona in Davis.

-- Lot of time taken up lately working with others in City a response process to SB 1421.

Chief Greenwood answered questions from 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. Prioritizing Safety for Sex Workers Subcommittee – Chair Ramsey has gotten some input from Lt. Montgomery on a draft policy; PRC Officer to schedule next meeting.
- b. Lexipol Policies Subcommittee – Met today and are plowing through dozens of policies. (Request was made for full subcommittee packets to be posted to the web.)

9. OLD BUSINESS (discussion & action)

- a. Final issues in review of Lexipol Policy 425 on use of body-worn cameras, including facial recognition capabilities and update on outstanding questions from the January 23 meeting.

Discussed; PRC Officer to compile all of the PRC’s recommended changes to the body-worn camera policy.

- b. Responsiveness of BPD management to PRC requests, including 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.

Motion to send a letter to the City Attorney, with a copy to the City Manager and City Council, asking what BPD documents the PRC should have access to, in order to perform its oversight function.

Moved/Seconded (Calavita/Prichett)

Friendly amendments (all accepted by mover and seconder):

Instead of what documents the PRC should have, what is it authorized to obtain, by ordinance, statute, or otherwise.

(Ramsey)

Also, list categories of documents as examples, such as After Action reports, and source documents, and bring a draft letter back to the Commission at its next meeting for approval.

(Yampolsky)

Motion, as amended, carried

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

Noes: None

Abstain: None

Absent: Roberts

- c. 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

Motion to approve the above Lexipol policies.

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

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

Noes: None

Abstain: Prichett

Absent: Roberts

- d. Decide whether to proceed with former Commissioner Sherman's item stemming from BPD Response to Protests on August 5, 2018: Help 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 safety of all participants.

Motion to close consideration of this item.

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

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

Noes: None

Abstain: None

Absent: Roberts

- e. 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.

Following discussion, Commissioner Ramsey withdrew this item.

- f. Decide whether to review the delivery of mental health services, including the role of the BPD in responding to crises involving people with mental health disabilities, and whether BPD's participation impacts the situation in the most sensible way and so the best outcome is reached.

Motion to have representatives from the BPD and Mental Health Division do a presentation to the PRC on their response to persons with mental health issues.

Moved/Seconded (Prichett/Calavita) **Motion Carried**

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

Noes: None

Abstain: None

Absent: Roberts

10. NEW BUSINESS (discussion & action)

- a. Consider amendment to Standing Rules regarding time limits and procedures for debate.

(Heard following Item #10.c.)

Motion to adopt the proposed amendments to Section E., Meeting Procedures, of the Standing Rules, with the correction of two typographical errors.

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

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

Noes: Prichett

Abstain: None

Absent: Roberts

- b. Review commendations of BPD personnel October 2017 to June 2018.

Motion to accept all personnel commended for special recognition.

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

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

Noes: None

Abstain: None

Absent: Roberts

- c. Consider formation of subcommittee to review BPD MOU Compendium (formerly Mutual Aid Pacts Subcommittee).

(Heard following Item #10.d.)

Motion to form an MOU Compendium Subcommittee.

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

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

Noes: None

Abstain: None

Absent: Roberts

By general consent, the PRC Officer will poll the Commissioners to see who is interested in serving.

- d. Whether to request that the City Council approve the PRC's co-sponsorship of the NACOLE Regional Training & Networking event to be held May 3, 2019.

(Heard following Item #9.f.)

Motion to have the PRC Officer place an item on the City Council's agenda requesting their approval of the PRC's sponsorship of a NACOLE Regional Training & Networking Event on May 3, 2019 in Oakland, Calif.

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

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

Noes: None

Abstain: None

Absent: Roberts

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached

12. PUBLIC COMMENT

There was 1 speaker.

13. ADJOURNMENT

By general consent, the meeting was adjourned at 9:50 p.m.