

POLICE REVIEW COMMISSION

REGULAR MEETING MINUTES

(approved)

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

South Berkeley Senior Center 2939 Ellis Street, Berkeley

CALL TO ORDER & ROLL CALL BY CHAIR PEREZVELEZ AT 7:05 P.M.

Present: Commissioner George Perezvelez (Chair)

Commissioner Gwen Allamby (Vice-Chair)

Commissioner Kitty Calavita

Commissioner Sahana Matthews (left 8:05 p.m.)

Commissioner Elisa Mikiten

Commissioner Andrea Prichett (arrived 7:52 p.m.)

Commissioner Ismail Ramsey Commissioner Terry Roberts

Absent: Commissioner Ari Yampolsky

PRC Staff: Katherine J. Lee. PRC Officer

BPD Staff: Lt. Kevin Reece, Sgt. Daniel Quezada-Garcia (BPA)

2. APPROVAL OF AGENDA

Motion to approve the agenda

Moved/Seconded (Mikiten/Allamby) Motion Carried

Aves: Allamby, Calavita, Matthews, Mikiten, Perezvelez, Ramsey, Roberts

Noes: None Abstain: None Absent: Prichett, Yampolsky

3. PUBLIC COMMENT

There were 3 speakers.

4. APPROVAL OF MINUTES

(Heard following Item #5.)

Motion to approve Regular Meeting Minutes of February 27, 2019

Moved/Seconded (Roberts/Allamby) Motion Carried

Ayes: Allamby, Calavita, Matthews, Mikiten, Perezvelez, Ramsey, Roberts

Noes: None Abstain: None Absent: Prichett, Yampolsky

5. CHAIR'S REPORT

-- NACOLE regional training May 3, 2019, at Kaiser Center in Oakland is open to all community members interested in civilian oversight. \$75 fee but can be waived.

-- Urban Shield exercises have been modified and will be geared towards disaster response and exclude SWAT-team scenarios.

6. PRC OFFICER'S REPORT

- -- Comm. Yampolsky's wife has been hired as an attorney in the City Attorney's office, so he will no longer be able to serve on the PRC. (The rules were suspended to allow Comm. Yampolsky to address the Commission.)
- -- More on NACOLE: while no one will be turned away for lack of ability to pay, do register in advance. Registration link was sent to Commissioners.
- -- No new complaints filed since last meeting except for one complaint alleging misconduct 6 years ago and thus too late.
- -- First BOI involving viewing of body-worn camera footage on Friday. Thanks to Comms. Calavita, Roberts, and Mikiten for enduring the technical problems, and to Lt. Hong for providing a number for tech support.
- -- City has hired a second Deputy City Manager, David White (currently Fairfield City Manager), to whom the PRC Officer will be reporting.
- -- Commissioners' Forms 700 are due to the City Clerk by the end of this month.
- -- Must adjourn by 9:45 p.m. tonight for Special BOI Meeting to consider complainant's request for continuance.

7. CHIEF OF POLICE'S REPORT

- Lt. Reece reported on behalf of Chief Greenwood:
- -- Currently at 165 sworn officers, which includes 7 in academy and 8 FTO (Field Training Officers) so actual strength is 150.
- -- Just finished an application period. 1 officer starting academy this week; reservations in 4 academies bt. March and July; last week 1 officer graduated. Promotions yesterday: an Office Specialist II to OSIII, PEO Supervisor Singleton, Sgts. Ledoux, Andersen, and P. Lee, Lt. K. Smith.
- -- Working on response to MOU Compendium Subcommittee. Date for bringing MOUs to Council hasn't been set yet.
- -- Last week Council approved retaining a marketing firm, Epic Recruiting. See Joinhaywardpd.com for a sample of their work.
- -- Last night Council approved raising the award maximum for homicides and other serious crimes from \$15K to \$50K. Relatives of homicide victim Alex Goodwin came to speak in support.
- -- Crime report to be presented to Council next week.

Lt. Reece 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. Met right before this meeting and approved language for a recommended policy; to be agendized for future meeting.
- b. Lexipol Policies Subcommittee. Need to schedule next meeting and recruit another member to replace Comm. Yampolsky.
- c. MOU Compendium Subcommittee. Met on March 6 and March 13; Comm. Perezvelez elected Subcommittee Chair; have made recommendations and awaiting questions sent to the Chief. Expect to bring recommendations to full Commission two meetings from now.

9. OLD BUSINESS (discussion & action)

a. Update on SB 1421: responding to Public Records Act requests; status of litigation and other actions statewide.

PRC Officer gave a report and answered questions from Commissioners. No action.

b. Commissioner training

 Follow-up to PRC's January 23, 2019 request to PRC Officer regarding nature of training to be presented.

By consensus, the Commission corrected the prior recommendation of January 10, 2019, to read that BPD, not BPA, do an orientation for commissioners each year.

ii) Clarification of Commission's response to City Council's October 2, 2018 referral regarding commissioner training requirements.

Motion to have the PRC Officer work with the Chair to generate a response to the Commission's referral.

Moved/Seconded (Calavita, Roberts) Motion Carried

Ayes: Allamby, Calavita, Mikiten, Perezvelez, Prichett, Ramsey, Roberts. Noes: None Abstain: None Absent: Matthews, Yampolsky

10. NEW BUSINESS (discussion & action)

a. Lexipol Policies for review and approval.

Lexipol #	G.O. (if any)	Title
501	T-16	Motor Vehicle Collision Investigations
506	T-18	Disabled Vehicles
605		Brady Material Disclosure
702		Vehicle Maintenance
705		Personal Protective Equipment
902		Prison Rape Elimination
1000		Recruitment and Selection
1004		Anti-Retaliation
1005		Reporting of Employee Convictions
1012		Body Armor
1014	P-21	Commendations
1020	P-20	Outside Employment
1024		Police Aides
1025		Nepotism and Conflicting Relationships
1027		Temporary Modified-Duty Assignments
1033	P-17	Employee Absences (No change from G.O.)

Motion to refer Lexipol policy 605 to the Police Department and the City Attorney's Office to ask for information regarding why the word "should" in sections 605.3 paragraphs 2 and 3, and 605.4(c)1, appears instead of "shall."

Moved/Seconded (Roberts/Calavita)

Motion withdrawn

Motion to: approve Lexipol policies 501, 1012, 1014, 1020, 1024, 1027, 1033; send 506 back to the Subcommittee; and hold 605, 702, 705, 902, 1000, 1004, 1005, 1025 to take a closer look.

Moved/Seconded (Perezvelez/Allamby) Motion Carried

Aves: Allamby, Calavita, Mikiten, Perezvelez, Ramsey, and Roberts.

Noes: None Abstain: Prichett Absent: Matthews, Yampolsky

b. Whether the "clear and convincing" standard is the appropriate standard to be used in PRC Boards of Inquiry.

Motion to direct the PRC Officer to ask be updated or advised by the City Manager's office as to whether or not they are in meet and confer with the BPA regarding the Commission's prior approval to change its own Regulations to use the "preponderance of the evidence" standard.

Moved/Seconded (Ramsey/Calavita) Motion Carried

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

Noes: None Abstain: None Absent: Matthews, Yampolsky

c. Present revised confidentiality agreement to be signed by Commissioners and answer any questions.

Discussion; no action.

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached

12. PUBLIC COMMENT

There was 1 speaker.

13. ADJOURNMENT

By general consent, the meeting was adjourned at 9:42 p.m.