

POLICE REVIEW COMMISSION

REGULAR MEETING MINUTES

(approved)

Wednesday, June 26, 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 LaMonte Earnest

Commissioner Sahana Matthews (left 9:48 p.m.)

Commissioner Elisa Mikiten

Commissioner Ismail Ramsey (arrived 7:46 p.m.) Commissioner Terry Roberts (left 9:48 p.m.)

Absent: None

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 with the addition of public comment before Item #9.a.

Moved/Second (Allamby/Mikiten) Motion Carried

Ayes: Allamby, Calavita, Earnest, Matthews, Mikiten, Perezvelez, and Roberts.

Noes: None Abstain: None Absent: Ramsey

3. PUBLIC COMMENT

There were 3 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes Draft of June 12, 2019 Moved/Second (Mikiten/Allamby) Motion Carried

Ayes: Allamby, Calavita, Earnest, Matthews, Mikiten, Perezvelez, and Roberts.

Noes: None Abstain: None Absent: Ramsey

5. CHAIR'S REPORT

Reminder that annual NACOLE Conference will be held Sept. 22-26 in Detroit.

6. PRC OFFICER'S REPORT

- -- Comm. Mikiten will attend NACOLE Conference funded by PRC.
- -- Two new complaints filed in the past 4 weeks. Byron is assisting in searching for records responsive to Public Records Act requests under SB 1421.
- -- At the June 3 Council Public Safety Committee meeting, Chief Greenwood gave his report responding to referrals on stop data collection and analysis; public comment heard. The Committee voted to "send the item back to the City Council with a qualified positive recommendation for the Mayor to convene the task force, as outlined in Councilmember Harrison's amended referral, in an expeditious manner and to request that adequate budget resources be allocated to allow the task force to complete its work."
- -- For the July 10 PRC meeting, agenda items will be needed by noon Tues., July 2 so the agenda can be sent July 3.
- -- PRC Officer will be on vacation July 5.
- -- PRC Officer asked commissioners who staffed PRC table at Juneteenth (Allamby, Calavita, Earnest, Mikiten, Perezvelez) to share their impressions of how it went.

7. CHIEF OF POLICE'S REPORT

Chief Greenwood reported:

- -- Council passed the budget last night. The presentations given to the Budget & Finance Committee helped.
- -- BPD will have contingent marching in the SF Pride Parade and staff a booth on Sunday. Next Coffee With a Cop will be Sat., July 20 at Nabolom on College & Russell.
- -- Currently 158 sworn officers. Swore in a lateral this morning; had been only 10 weeks since oral boards. Recruitment team working on speed/capacity of hiring. Doing backgrounds. Having an 8 10 week turnaround is beneficial.
- -- Will have 3 new officers within next couple weeks and another 4 after that. Another lateral coming late July; 4 more laterals going through background.
- -- Berkeley Wildfire evacuation checklist being circulated to residents. PG&E discussing cutting power to significant amount of region if threat of fire or actual fire. Issue is PG&E has to physically examine power lines before powering back up, with real effects on community.

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. Lexipol Policies Subcommittee Chair Perezvelez said they met June 12 & June 18. Next meeting July 10 at 5:30 p.m.
- b. MOU Compendium Subcommittee still waiting for answers from Chief.
- c. Standard of Proof Subcommittee. Chair Ramsey Waiting for results of meet and confer.
- d. Probation & Parole Questioning Subcommittee Chair Calavita gave an update from the June 10 & June 18 meetings; very productive. Lt. Montgomery attended last meeting and very helpful. Next meeting July 11 at 11:00 a.m.

9. OLD BUSINESS (discussion & action)

 Consider and approve Lexipol Policy #302, Handcuffing and Restraints, and communicate the PRC's recommendation on the use of spit hoods/spit masks to the City Council.

Public comment: 0 speakers

Motion to approve Policy 302 with amendments to Section 302.10: 1) change "when" to "while" in the second paragraph, and 2) adopt the Chief's proposed language regarding trauma to the end of the first paragraph; recommend that the City Council direct the City Manager and Chief to return with a plan to gather more data on the BPD's use of spit hoods and further review other potential alternatives to spit hoods.

Moved/Second (Roberts/Ramsey)

Friendly Amendment: That the Council and City Manager review the use of spit hoods on juveniles.

Moved by Perezvelez; Accepted by Roberts and Ramsey

Substitute motion to recommend approval of the Policy 302 with the following recommendations: 1) In the second paragraph of Section 302.10, change the word "when" to "while" [so the sentence begins, "Spit hoods may be placed upon person in custody while the officer reasonable believes" etc.]; 2) that the PRC endorses the BPD's commitment to crisis intervention training and de-escalation strategies; 3) that the Chief propose data collection measures for the PRC's consideration, including the types of circumstances hoods are used under; 4) that the BPD utilize other available methods of restraint when possible, such as placing a person in a vehicle; 5) the use of spit hoods with minors shall be restricted by Policy 302.7.

Moved/Second (Mikiten/Ramsey)

Friendly amendment that 5) should read: "the use of spit hoods on preadolescent children is prohibited."

Moved by Calavita; Accepted by Mikiten and Ramsey

Friendly amendment to add, at the end of 2): "and promotes the use of CIT officers in the application of spit hoods when practical."

Moved by Matthews; Accepted by Mikiten and Ramsey

Substitute motion, as amended, Carried

Ayes: Matthews, Mikiten, Perezvelez, Ramsey, and Roberts.

Noes: Calavita, Earnest Abstain: Allamby Absent: None

b. Lexipol Policies for review and approval.

Lexipol #	G.O.	Title
316	M-01	Missing Persons
321	P-26	Standards of Conduct
325	C-62	Subpoenas and Court Appearances
418	Council Res. 51,408-N.S.	Obtaining Air Support

Motion to approve Lexipol Policies 316, 321, 325, and 418

Moved/Second (Ramsey/Perezvelez) Motion Carried

Ayes: Allamby, Calavita, Earnest, Mikiten, Perezvelez, and Ramsey

Noes: None Abstain: None Absent: Matthews, Roberts

- c. Consider recommending to the City Council that it endorse Senate Bill 233, prohibiting the arrest of a person for certain sex crimes if that person is reporting sexual assault, human trafficking, or other violent crimes. (Item postponed to the next meeting.)
- d. Report from Commissioner Mikiten on the Mental Health Commission meeting of May 23, 2019, and possible joint request to the City Council for increased funding for the mobile crisis unit or other mental health services. (Item postponed to the next meeting.)
- e. Consider establishing a subcommittee to review the BPD's Use of Force policy. (Item postponed to the next meeting.)
- f. Lexipol Policies for review and approval (from March 13, 2019 PRC meeting.)

Lexipol #	G.O. (if any)	Title
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	
1025	Nepotism and Conflicting Relationships	

(Item postponed to the next meeting.)

10. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached

11. PUBLIC COMMENT

There were 2 speakers.

12. ADJOURNMENT

By general consent, the meeting was adjourned at 9:53 p.m.