



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, July 10, 2019
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

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

Present: Commissioner George Perezvelez (Chair)
Commissioner Gwen Allamby (Vice-Chair)
Commissioner Kitty Calavita
Commissioner Michael Chang
Commissioner LaMonte Earnest
Commissioner Sahana Matthews (left 8:25 p.m.)
Commissioner Elisa Mikiten
Commissioner Ismail Ramsey
Commissioner Terry Roberts

Absent: None

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Lt. Peter Hong, Sgt. Cesar Melero

2. APPROVAL OF AGENDA

Motion to approve the agenda.

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

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

Noes: None

Abstain: None

Absent: None

3. PUBLIC COMMENT

There were 2 speakers.

4. APPROVAL OF MINUTES

Motion to approve the Regular Meeting minutes of June 26, 2019

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

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

Noes: None

Abstain: None

Absent: None

5. CHAIR'S REPORT

(Heard following Item #6.)

Chair Perezvelez reported:

-- At the Council meeting discussion on spit hoods, he spoke at public comment in individual capacity.

-- The state Senate passed SB392, re use of force.

-- Commissioner Mikiten will attend NACOLE conference courtesy of PRC; others encouraged to attend if they can. Chair Perezvelez attending IACP in October courtesy of BPD.

6. PRC OFFICER'S REPORT

PRC Officer:

-- introduced new Commissioner Michael Chang, who replaced Ari Yampolsky; Comm. Chang said a few words about himself.

-- distributed and went over the current case deadlines report.

-- reported on City Council's discussion of spit hoods at its meeting last night (July 9) and that three separate motions all failed.

7. CHIEF OF POLICE'S REPORT

Lt. Hong reported on behalf of Chief Greenwood:

-- Currently 161 sworn including 3 who graduated from academy this week. 4 will start academy in next several weeks. One lateral starting late July; 4 laterals currently in background.

-- Yesterday most recent recruitment for entry-level officers closed. 232 total applications; of those, 189 met minimum qualifications, nearly double the number from the last process. Of those, 105 were leads generated by recruitment team, showing the team has been active and effective.

-- Epic Recruitment ad campaign -- looking forward to results.

-- Council last night re spit hoods. Chief submitted a Supplemental 2 report [which PRC Officer distributed at tonight's meeting]. Appreciate presence of PRC Officer and Chair Perezvelez. 3 motions; all failed. But will issue revised policy replacing "while" for "when," and language acknowledging trauma.

- Tonight appreciate consideration of Surveillance policies. Drafts incorporate changes from last mtg. Once accepted, will make report to City Attorney's office.
 - Last week, the lawsuit over police actions following the June 20, 2017, was dismissed with prejudice.
 - Coffee With a Cop will be held Sat. July 20 at Nabolom Bakery
 - BPD members joined SFPD at the Pride parade and staffed a recruitment booth.
- Lt. Hong 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 – Met today and got through 3 more policies.
- b. MOU Compendium Subcommittee – still waiting for answers from Chief.
- c. Standard of Proof Subcommittee – waiting for results of meet-and-confer.
- d. Probation & Parole Questioning Subcommittee – next meeting July 11 at 11:00 a.m. Hope to have something to commission soon.

9. OLD BUSINESS (discussion & action)

- a. 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.

Discussed; no action taken due to lack of time to bring to Council and recent passage in Legislature and likely signature by Governor.

- b. 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.

Report given; no action.

- c. Consider establishing a subcommittee to review the BPD's Use of Force policy.

Motion to establish a Use of Force Policy Subcommittee

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

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

Noes: None

Abstain: None

Absent: None

- d. 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

Motion to approve Lexipol Policies 605, 702, 705, 902, 100, 1004, 1005, and 1025, based on the recommendation of the Lexipol Policies Subcommittee.

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

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

Noes: None

Abstain: None

Absent: Matthews

10. NEW 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:

1300 – Body Worn Camera (BWC) Surveillance Use Policy

1300 – BWC Acquisition Report

1301 – Global Positioning System (GPS) Trackers Acquisition Report

1302 – Automated License Plate Reader (ALPR) Surveillance Use Policy

Motion to have these policies reviewed by the Lexipol Subcommittee and then bring them back to the PRC.

Moved (Allamby) Motion failed for lack of second.

Motion to approval of the four policies based on Chief's responses

Moved/Second (Mikiten/Perezvelez)

Substitute motion to approve Policy 1300 but note that the PRC still maintains its objection to Data Access section 1300.4, and stand by its prior recommendation that officers should not be able to view recorded footage until after they have written an initial report, with the opportunity to write a supplemental report after viewing the footage.

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

Ayes: Calavita, Chang, Perezvelez, Ramsey, and Roberts.

Noes: None Abstain: Allamby, Earnest, Mikiten

Absent: Matthews

(No action taken on 1301 pending clarification of scope.)

By general consent, the Commission referred Policy 1302 to the Lexipol Subcommittee for further review.

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

Motion to have the PRC Officer to get more details about the complainant's complaint, thank complainant for sharing her concerns, and report back to the PRC, to then decide whether to open a policy complaint.

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

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

Noes: None

Abstain: None

Absent: Matthews

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

-- Comm. Roberts announced his resignation as of the end of July.

-- PRC Officer reminded Commissioners that the next regular meeting, July 24, will be the last meeting before the August break. PRC will meet 1st and 3rd Wednesdays in Sept., not 2nd and 4th, due to NACOLE Conference last week of that month.

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 #2454 DUE TO FRIVOLOUS NATURE OF COMPLAINT

Motion to approve Complaint #2454 for administrative closure.

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

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

Noes: None

Abstain: None

Absent: Matthews

End of Closed Session

14. ANNOUNCEMENT OF CLOSED SESSION ACTION

The vote to approve administrative closure of complaint #2454 was announced.

15. ADJOURNMENT

Motion to adjourn the meeting.

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

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

Noes: None

Abstain: None

Absent: Matthews

The meeting was adjourned at 9:53 p.m.