



Police Review Commission (PRC)

**POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)**

**Wednesday, September 4, 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 Juliet Leftwich
Commissioner Elisa Mikiten
Commissioner Nathan Mizell
Commissioner Ismail Ramsey

Absent: None.

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Capt. Rico Rolleri, Lt. Dave Lindenau, Sgt. Rashawn Cummings, Ofc. Daniel Morales (BPA)

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 July 24, 2019

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

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

Noes: None Abstain: Leftwich, Mizell Absent: None

5. CHAIR'S REPORT

-- Attended National Night Out.

6. PRC OFFICER'S REPORT

-- New Commissioners Leftwich (appointed by Councilmember Wengraf) and Mizell (appointed by Councilmember Robinson) were introduced and said a few words about themselves.

-- One new complaint filed since last meeting; complainant chose to mediate.

-- PRC's 2019 – 2020 Work Plan is in the City Council's Sept. 10, 2019 agenda packet as an information item, and also in today's PRC agenda packet.

-- PRC Officer has renewed PRC's request to the Chief for comment on draft report of the June 20, 2017 Subcommittee [Review of BPD Response at City Council meeting] now that related litigation has concluded.

7. CHIEF OF POLICE'S REPORT

Capt. Rolleri reported on behalf of Chief Greenwood:

-- Staffing has been trending up slowly. Currently 169 out of an authorized 181 sworn officers. 8 officers in 3 academies. 6 in field training; 2 to graduate soon. 2 new laterals to be sworn in Sept. 16, and a recruit graduating that day.

-- With increased staffing, will be able to staff shorthanded units, like traffic collisions, and bike officers.

-- Dispatch is down 4 positions.

Capt. Rolleri 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 provided updates from the Aug. 7 and Sept. 4 meetings. He appointed Comm. Mikiten to this subcommittee.

b. Probation & Parole Questioning Subcommittee – Chair Calavita provided updates from the Aug. 14 and Sept. 3 meetings. Next meeting October 8.

c. MOU Compendium Subcommittee – waiting on Chief's answers.

d. Standard of Proof Subcommittee – awaiting outcome of meet-and-confer.

e. Use of Force Subcommittee – PRC Chair Perezvelez appointed Comms. Leftwich, Chang, and himself to this subcommittee.

9. OLD BUSINESS (discussion & action)

- a. Review and approve the following Surveillance Use Policies and related reports and policies under Surveillance Technology Use & Community Safety Ordinance.
 - i. 1301 – Global Positioning System (GPS) Tracking Devices (Use Policy) and Appendix A (Acquisition Report), as revised following July 24, 2019 meeting.
(Item postponed to the next meeting.)
 - ii. 1302 – Automated License Plate Readers (ALPRs) (Use Policy), Appendix A (Acquisition Report), and 422, ALPR Policy.

Motion to approve for submission to the City Council for its review and discussion Lexipol Policy 422 with a letter expressing the following two caveats: 1) There was concern among some commissioners that the ALPR was acquired for the purpose of parking enforcement and that this policy represents an expansion of that function. If this is not what the City Council had in mind, then this policy should be modified accordingly; and 2) Section 422.4(c) does not adequately define what constitutes a crime scene.

Moved/Seconded (Perezvelez/Mikiten)

Friendly amendment: and to remind the Council that they will see actual use of this technology under the reporting policy in place in the Surveillance Ordinance.

Moved by Mikiten; Accepted by Perezvelez

Motion, as amended, carried:

Ayes: Calavita, Chang, Leftwich, Mikiten, Perezvelez, and Ramsey.

Noes: Earnest, Mizell

Abstain: Allamby

Absent: None

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

Motion to not accept Policy Complaint #2455.

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

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

Noes: None

Abstain: None

Absent: None

10. NEW BUSINESS (discussion & action)

- a. Approve issuing a certificate of appreciation for former Commissioner Terry Roberts; and discuss criteria for such certificates.
From: PRC Officer

By general consent, the Commission agreed to present former Commissioner Terry Roberts with a Certificate of Appreciation, and empowered the Chair and the PRC Officer to prepare it.

Motion to establish the following criteria for issuing certificates of appreciation to former commissioners: 1) It shall be agendized for a full vote before the Commission; 2) It should be presented while the commissioner is still on the Commission, is possible; and 3) It shall be given to a commissioner who has served on the PRC at least 3 years.

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

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

Noes: None

Abstain: Mizell

Absent: None

b. Lexipol Policies for review and approval.

From: Lexipol Subcommittee

Lexipol #	G.O. (if any)	Title
301	R-03	Use of Force Review Board
329	A-49	Major Incident Notification
341	V-08	Volunteer Program
342		Service Animals
343		Gun Violence Restraining Orders
344		Off-Duty Law Enforcement Actions
347	F-05	Firearms and Tactics Unit
351	T&IB 249	Second Response
407	X-01	Hostage and Barricade Incidents
412		Foreign Diplomatic and Consular Representatives

(Item postponed to the next meeting.)

11. ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There was 1 speaker.

Closed Session

13. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2456

Motion to administratively close Complaint #2456.

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

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

Noes: None

Abstain: Mizell

Absent: None

14. REVIEW OF ADMINISTRATIVE LAW JUDGE'S DECISION IN CALOCA APPEAL OF COMPLAINT #2446

(Discussed; no action taken.)

End of Closed Session

15. ANNOUNCEMENT OF CLOSED SESSION ACTION

The Commission's vote to not accept Complaint #2456 was announced.

16. ADJOURNMENT

Motion to adjourn the meeting.

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

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

Noes: None

Abstain: None

Absent: None

The meeting was adjourned at 10:05 p.m.