



DRAFT

**POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES**

**Wednesday, October 23, 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 Juliet Leftwich
Commissioner Elisa Mikiten
Commissioner Nathan Mizell
Commissioner Ismail Ramsey

Absent: Commissioner LaMonte Earnest

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood, Lt. Dave Lindenau, Lt. Joe Okies, Sgt. Spencer Fomby, Ofc. Daniel Morales (BPA)

2. APPROVAL OF AGENDA

By consensus, the agenda was approved with the following changes: Hear Item #8 after Item #9; and Item #11.a. before Item #10.a.

3. PUBLIC COMMENT

(Heard following Item #4.)
There were 3 speakers.

4. APPROVAL OF MINUTES

**Motion to approve Regular Meeting Minutes Draft of September 18, 2019
Moved/Second (Allamby/Leftwich) Motion Carried**

Ayes: Allamby, Calavita, Chang, Leftwich, Mikiten, Mizell, Perezvelez, and Ramsey.
Noes: None Abstain: None Absent: Earnest

5. CHAIR'S REPORT

- Chair Perezvelez acknowledged the presence of former PRC Commissioner and Chairperson Sherry Smith.
- Comm. Mizell reported on his experience at the NACOLE Conference. [National Association for Civilian Oversight of Law Enforcement]
- Chair gave his report on the NACOLE Conference.
- Chair will be attending the IACP [Int'l Assoc. of Chiefs of Police] conference next week.

6. PRC OFFICER'S REPORT

The PRC Officer reported:

- Her impressions of the NACOLE conference.
- The mediation in complaint #2456 has concluded, and no new complaints have been filed since the last meeting.
- Former Terry Roberts declined to return to receive his certificate of appreciation in person, but the Commission did have the chance to thank him in person at a prior meeting.
- City Council passed first reading of an amendment to the Surveillance Technology Ordinance to ban the City's use of face recognition technology except in specified circumstances.
- Just two more PRC meetings this year, Nov. 13 and Dec. 11.

7. CHIEF OF POLICE'S REPORT

Chief Greenwood reported:

- Currently 159 sworn. 2 more laterals coming on board week of Nov. 4.
- Before and during the PG&E power shut-off, the City activated its EOC [Emergency Operations Center]. Parking Enforcement Officers and police officers assigned to hill area to keep roads clear during high fire danger. During power shut-off about 15 staff moving around the area with flashers on to keep lookout and be crime deterrent. Big staffing and resources impact on BPD for 3 days.
- Spending lots of time in meet-and-confer over the charter amendment.
- Monique Frost, Communications Center Manager (civilian position), retired. Temporary manager in place until salary and benefits survey completed, so competitive salary can be set.
- Doing promotional interviews for lieutenants and sergeants. In-depth and time-consuming, but worthwhile.

-- 1st report to Council for Surveillance Technology Ordinance coming in November.

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 – report of Oct. 9 & Oct. 23 meetings.
- b. Probation & Parole Questioning Subcommittee – report of Oct. 8 meeting.
- c. MOU Compendium Subcommittee
- d. Standard of Proof Subcommittee
- e. Use of Force Subcommittee

(Item postponed to the next meeting.)

9. PRESENTATION BY BERKELEY POLICE DEPARTMENT REGARDING SPECIAL RESPONSE TEAM (discussion & action)

Sgt. Fomby & Lt. Okies gave their presentation and answered questions from Commissioners.

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: 1301 – Global Positioning System (GPS) Tracking Devices (Use Policy) and 1301 Appendix A – (Acquisition Report), as revised following July 24, 2019 meeting.

(Heard following Item #11.a.)

Motion to approve Policy 1301 and its appendix, 1301A.

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

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

Noes: None Abstain: Calavita Absent: Earnest

10. NEW BUSINESS (discussion & action)

- a. Policy Complaint #2463: whether to accept policy complaint regarding enforcement of traffic laws against bicyclists who run stop signs and, if accepted, determine how to proceed.

(Heard following Item #9.)

Motion to not accept the policy complaint.

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

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

Noes: None Abstain: None Absent: Earnest

- b. Proposed amendment to PRC Regulations regarding handling of informal complaints.
(Item postponed to the next meeting.)
- c. Lexipol Policies for review and approval.

Lexipol #	G.O. (if any)	Title
349	F-06	Tactical Rifle Operator
410	I-16	Mental Illness Commitments
411	C-10	Cite and Release Policy
419	F-03	Field Training Officer Program

(Item postponed to the next meeting.)

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There were no speakers.

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 recessed into closed session to discuss and take action on the following matter(s):

13. PRESENTATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2419

Motion to approve Complaint #2419 for administrative closure.

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

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

Noes: None

Abstain: Mizell

Absent: Earnest

End of Closed Session

14. ANNOUNCEMENT OF CLOSED SESSION ACTION

15. ADJOURNMENT

By general consent the meeting was adjourned at 10:20 p.m.