

Police Review Commission (PRC)

**POLICE REVIEW COMMISSION
REGULAR MEETING
AGENDA**

**Wednesday, February 28, 2018
7:00 P.M.**

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL

2. APPROVAL OF AGENDA

3. PUBLIC COMMENT

(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers. They may comment on items on the agenda or any matter within the PRC's jurisdiction at this time.)

4. APPROVAL OF MINUTES

Regular Meeting of February 14, 2018.

5. CHAIR'S REPORT

6. PRC OFFICER'S REPORT

Status of complaints; other items.

7. CHIEF OF POLICE'S REPORT

Crime, budget, staffing, training updates, and other items.

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. General Orders C-64, etc. Subcommittee

b. Homeless Encampment Subcommittee

- c. Mutual Aid Pacts Subcommittee
 - i) Consider rescinding recommendation on MOU with Dept. of Homeland Security/US ICE and adopting new recommendation.
From: Commissioner Sherman
 - ii) Dissolve subcommittee or consider renaming.

9. OLD BUSINESS (discussion & action)

- a. Consider whether to accept Policy Complaint #2433 and, if accepted, what steps to take.
From: PRC Officer
- b. Review and consider next steps, including establishing a subcommittee, regarding City Council's November 14 action on broader or longer-term changes to PRC structure and authority.
- c. Proposal for BPD performance audit.
From: Commissioner Prichett
- d. Decide how to address City Council referral regarding City's enrollment in the Department of Defense 1033 Program.
From: City Council
- e. Establish subcommittee or other means to review and make recommendations on Lexipol policies from BPD.
- f. Commendations of BPD personnel:
 - i) Establish process for review and communication back to BPD.
(Staff proposal in this packet.)
 - ii) Review commendations of BPD personnel for January to August 2017 and direct PRC Officer to communicate to BPD.
(See materials attached to January 24, 2018 agenda packet.)

10. NEW BUSINESS (discussion & action)

- a. BPD staffing shortage

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.


12. PUBLIC COMMENT

(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on the agenda at this time.)

13. ADJOURNMENT

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 **Communication Access Information (A.R.1.12)**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Police Review Commission, located at 1947 Center Street, 1st floor, during regular business hours.

Contact the Police Review Commission at (510) 981-4950 or prc@cityofberkeley.info.

PRC REGULAR MEETING ATTACHMENTS

February 28, 2018

MINUTES

February 14, 2018 Regular Meeting Minutes Page 7

AGENDA-RELATED

Item 6. – Prioritization of PRC Tasks in order of rank. Page 13

Item 8. – PRC Subcommittees List as of 1-25-18. Page 15

Item 8.c.1). – Mutual Aid Pacts Subcommittee Recommendation and PRC Action re ICE. Page 17

Item 9.a. – PRC Policy Complaint #2433. Page 19

Item 9.b. – From City Council Annotated Agenda for Nov. 14, 2017 – Item 25, Referral to the Police Review Commission to Write a Charter Amendment Ballot Measure. Page 21

Item 9.b. – Memo to the Mayor and City Council re Suggestions for Ballot Measure to Amend Current Enabling Ordinance Establishing the Police Review Commission (Response to Item #52 on the Council's June 14, 2016 agenda.) Page 23

Item 9.c. – Proposal for Performance Audit of BPD. Page 25

Item 9.d. – From City Council Annotated Agenda for Nov. 14, 2017 – Item 19: Require City Council Approval of Any Proposed Acquisition of Material from the Department of Defense 1033 Program and Request Report and Related Documentation of Material Transferred. Page 27

Item 9.d. – Memo to the Mayor and City Council, from the City Manager, dated Nov. 28, 2017 re 1033 Program Report. Page 29

Item 9.e. – List of 25 Lexipol Policies sent to PRC Officer Dec. 4, 2017. Page 31

Item 9.f.1.) – Memo from the PRC Officer to the PRC Commissioners, dated Feb. 22, 2018 re Proposed process for handling BPD employee commendations. Page 33

Item 10.a. – Research on Crime Trends in Berkeley dated Feb. 12, 2018. Page 35

COMMUNICATION(S)

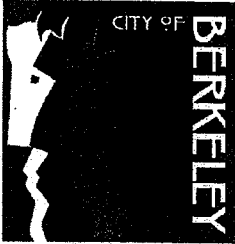
Memo from the PRC Chair to the Mayor and City Council, dated Feb. 16, 2018 re Recommendation on Use of Specially Equipped Panel Van. Page 39

Memo from the PRC Chair to the City Manager, dated Feb. 21, 2018 re Proposed Good Governance Police Accountability Plan. Page 43

BPD General Order C-45, issued Feb. 14, 2018 re Police Chaplain Program. Page 45

Memo from the City Clerk to the Mayor and City Council, dated Feb. 21, 2018 re Changes to the Schedule for Supplemental Reports and Communications Packet #2. Page 51

KJL:mgm



Police Review Commission (PRC)

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

**Wednesday, February 14, 2018
7:00 P.M.**

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR MATTHEWS AT 7:10 P.M.

Present: Commissioner Sahana Matthews (Chair)
Commissioner George Lippman (Vice-Chair)
Commissioner Gwen Allamby
Commissioner Andrea Prichett
Commissioner Terry Roberts
Commissioner Michael Sherman
Commissioner Ari Yampolsky

Absent: Commissioners Clarence Ford, George Perezvelez

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood (left 8:00 p.m.), Lt. Angela Hawk, Sgt. Rashawn Cummings, Sgt. Sean Ross (BPA)

2. APPROVAL OF AGENDA

By general consent the Commissioners approved the agenda, including Commissioner Prichett's request to consider Item #9.e. after #9.a.

3. PUBLIC COMMENT

There were 4 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of January 24, 2018

Moved/Seconded (Roberts/Prichett) **Motion Carried**

Ayes: Allamby, Lippman, Matthews, Prichett, Roberts, Sherman, and Yampolsky.

Noes: None Abstain: None Absent: Ford, Perezvelez

5. CHAIR'S REPORT

The Chair asked Commissioners to make sure they've read the agenda packet in advance. She will try to give everyone a chance to speak on an item. If a Commissioner has a lengthy amendment, send to the PRC Officer for distribution before the meeting.

George Lippman reported that the Mayor has presented a rewrite of the Surveillance Ordinance, and the item has been put over to the March 13 Council meeting.

6. PRC OFFICER'S REPORT

- One new complaint filed since the last meeting. BOI scheduled for next week.
- A copy of the Mayor's proposed Surveillance Ordinance is in the agenda packet.
- The Commission's letter and request re the June 20, 2017 incident was sent to the Chief and City Manager on Jan. 31 and is in the packet.
- Handed out two memos from the Chief: 1) Numbers re CIT-trained officers; and 2) Cell phones and applications to be used with the body-worn cameras.
- Explained results of the prioritization survey in the packet.

7. CHIEF OF POLICE'S REPORT

Chief Greenwood reported:

- Dealing with wave of laptop crimes. Have made several arrests.
 - Down 24 officers; currently at 157; including 4 in academy, 3 in FTO, and 10 off on injury and leave. Been doing interviews; hope to fill 5 slots for March academy. Just concluded a recruitment period; 180 made the cut. Aiming for 3 recruitments a year; always accept laterals.
 - Third session on Principled Policing training coming up.
- Chief Greenwood answered questions from Commissioners.

8. SUBCOMMITTEE REPORTS (DISCUSSION AND 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. General Orders C-64, etc. Subcommittee. PRC Officer sent Doodle poll but no responses; will re-send.
- b. Homeless Encampment Subcommittee. Were waiting to meet until got updated from policy from Council subcommittee. However, in light of most recent raid may not wait.
- c. Mutual Aid Pacts Subcommittee
 - i) Discuss and approve recommendation from subcommittee member:
Law Enforcement Mutual Aid Plan

Motion to adopt the proposed recommendation regarding the Law Enforcement Mutual Aid Plan with a direction to BPD to modify General Order M-2, "Mutual Aid Agreements with Law Enforcement Agencies," and to send the background information as well.

Moved/Seconded (Lippman/Roberts) **Motion Carried**

Ayes: Allamby, Lippman, Matthews, Prichett, Roberts, Sherman, and Yampolsky.

Noes: None Abstain: None Absent: Ford, Perezvelez

- ii) Dissolve subcommittee or consider renaming
(Item postponed to the next meeting.)

9. OLD BUSINESS (DISCUSSION & ACTION)

- a. Review and consider next steps, including establishing a subcommittee, regarding City Council's November 14 action on broader or longer-term changes to PRC structure and authority.

(Discussion to be continued at the next meeting.)

- b. Review specially equipped panel van use policy.

(Heard following Item #9.e.)

Motion to support the draft policy regarding the use of the specially equipped panel van by the Berkeley Police Department, except that the PRC wishes to remove the following sentences (at the top of p. 2): "The vehicle may be called to a declared unlawful assembly when persons are engaged in criminal behavior that presents an objective risk of injury or death. The Specially Equipped Panel Van may be staged at pre-designated locations away from protest sites to allow for timely response."

Moved/Seconded (Sherman/Prichett) **Motion Carried**

Ayes: Lippman, Matthews, Prichett, Sherman, and Yampolsky.

Noes: Roberts Abstain: Allamby Absent: Ford, Perezvelez

- c. Consider whether to accept Policy Complaint #2433 and, if accepted, what steps to take.

(Item postponed to the next meeting.)

- d. Decide how to address City Council referral regarding City's enrollment in the Department of Defense 1033 Program.

(Item postponed to the next meeting.)

- e. Proposal for BPD Accountability Plan, including professional development/training of BPD officers, department budget, and audits.

(Heard following Item #9.a.)

Motion that the Commission send a letter to the City Manager, with a copy to the City Council, expressing its desire that the City develop a good governance accountability plan for the Berkeley Police Department that would start with goals enumerated in #1, 2, 3, 4, and 6, and that the City

Manager engage with the PRC in determining the extent to which these goals already exist; and, to extent that they do not, to create them.
Moved/Seconded (Yampolsky/Roberts)

Friendly amendment by Prichett:

That we include #5, but revise to say that “BPD will work with” (instead of “BPD will hire”) a full time data analyst.

Motion, as amended, Carried

Ayes: Allamby, Lippman, Matthews, Prichett, Roberts, Sherman, and Yampolsky.

Noes: None Abstain: None Absent: Ford, Perezvelez

(Discussion re performance audit to be continued at the next meeting.)

- f. Review and consider next steps regarding City Council's October 31, 2017 action revising the reporting requirements in General Order U-2, Use of Force. *(Item postponed to the next meeting.)*
- g. Establish subcommittee to review and make recommendations on Lexipol policies from BPD. *(Item postponed to the next meeting.)*
- h. Commendations of BPD personnel:
 - i) Establish process for review and communication back to BPD.
 - ii) Review commendations of BPD personnel for January to August 2017 and direct PRC Officer to communicate to BPD*(Item postponed to the next meeting.)*

10. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

11. 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):

12. CONSIDER WHETHER TO ACCEPT LATE-FILED COMPLAINT #2417

Motion to accept late-filed Complaint #2417.

Moved/Seconded (Lippman/Prichett) **Motion Carried**

Ayes: Allamby, Lippman, Matthews, Prichett, Roberts, Sherman, and Yampolsky.

Noes: None Abstain: None Absent: Ford, Perezvelez

13. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2424

Motion to approve Complaint #2424 for administrative closure.

Moved/Seconded (Roberts/Sherman) **Motion Carried**

Ayes: Allamby, Lippman, Matthews, Prichett, Roberts, Sherman, and Yampolsky.

Noes: None Abstain: None Absent: Ford, Perezvelez

14. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2430

Motion to approve Complaint #2430 for administrative closure.

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

Ayes: Allamby, Lippman, Matthews, Prichett, Roberts, Sherman, and Yampolsky.

Noes: None Abstain: None Absent: Ford, Perezvelez

15. STATUS REPORT IN COMPLAINT #2432

The PRC Officer reported on the status of the investigation in Complaint #2432. No action taken.

End of Closed Session

16. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

The votes to approve the late filing of Complaint #2417 and to administratively close Complaint #2424 and #2432 were announced.

17. ADJOURNMENT

By general consent, the meeting was adjourned at 10:00 p.m.

Prioritization of PRC Tasks

Tasks in order of rank (lower rank = higher priority)	Overall rank
–Body-Worn Camera Policy	1
–MOUs/Mutual Aid - NCRIC; Council Committee on UASI and NCRIC	1
–Police Accountability Reforms (Increase PRC power)	3
–Fair & Impartial Policing - follow-up on recommendations	4
–BPD staffing shortage	5
–G.O. U-2, Use of Force revision	5
–Review BPD budget	7
–General Orders C-64, U-2, M-2 re Crowd Control [Subcomm]	7
–Dept. of Defense 1033 Program	9
–Review Lexipol policies	10
–Commendations of BPD personnel	11
–BPD Accountability Plan for Training/Professional Development	11
–June 20, 2017 (Review of BPD Response at Council meeting)	11
–Process for considering informal complaints	14
–PRC Regulations re Commissioner challenges	14
–Armored Van Policy	14
–Homeless Encampments [Subcomm]	17
–Outreach - publicize existence of PRC and its services to community	18
–Review of DUI checkpoints	19
–Regional radio interoperability for common encrypted channels	20
–Media Credentialing	20
–BPD's policy for shelter-in-place directive to schools	22

**POLICE REVIEW COMMISSION
SUBCOMMITTEES LIST
Updated 1-25-18**

Subcommittee	Commissioners	Chair	BPD Reps / Others
General Orders on Crowd Control C-64, U-2, M-2 Formed 1-13-16 Renewed 3-22-17	Lippman Perezvelez Prichett	Perezvelez	Lt. Michael Durbin
Homeless Encampments Formed 2-1-17 Renewed 1-24-18	Prichett Sherman	Prichett	
June 20, 2017 (Review of BPD Response at City Council Meeting) Formed 7-12-17	Matthews Prichett Roberts <i>Public member:</i> Elliot Halpern	Roberts	Chief Andrew Greenwood Sgt. Sean Ross
Mutual Aid Pacts Formed 11-15-17	Matthews Lippman	Matthews	Capt. Dave Reece

Recommendation from PRC Mutual Aid Pacts Subcommittee
And PRC Action re ICE

1 1. Immigration and Customs Enforcement (ICE)
2

3 Proposed Recommendation: Approve the ICE Understanding with the proviso that it be
4 modified to reflect the following statement.
5

6 "BPD shall not provide stand-by security service for USICE investigations or
7 enforcement actions. This shall not prevent BPD from responding to a public safety
8 emergency related to an ICE action; in such event BPD shall explain the facts giving rise
9 to its action in a written report to the Berkeley City Council and the Police Review
10 Commission at the earliest opportunity."

11 m/s/c Lippman/Matthews Vote: 2-0
12

13 Alternative actions considered:

- 14 • Reject the entire Understanding.
15
16

17 Proposed Background:
18

19 PRC believes that the trust of the community in the law enforcement is damaged when
20 local police are seen as participating in ICE actions.

21 The recent ICE raid in Oakland resulted in only a civil immigration arrest, demonstrating
22 the risk that involvement with supposed criminal investigations may draw the police into
23 support for civil enforcement.
24

25 Oakland Mayor Libby Schaff is now supporting a similar position. For more information
26 see this *East Bay Express* editorial:

27 "Why Oakland Should Cut Off ICE"

28 [https://www.eastbayexpress.com/oakland/why-oakland-should-cut-off-
29 ice/Content?oid=11028169](https://www.eastbayexpress.com/oakland/why-oakland-should-cut-off-ice/Content?oid=11028169)
30

31 Mayor Libby Schaaf, who has supported Kirkpatrick's position on the West
32 Oakland case and has said that she read the sealed warrant from the investigation
33 and believes it was a bona fide criminal matter, said in a Nov. 21 statement
34 that she now supports the proposal for OPD to not provide traffic control during
35 HSI/ICE operations. She said that even though current Oakland law "forbids our
36 officers to act in any way other than to protect our residents and officers from
37 wandering into harm's way of an active operation, the perception that OPD now
38 participates, or somehow aligns itself with ICE, has grown too full to ignore. This
39 perception stops residents in our immigrant communities from viewing OPD as
40 partners in our sanctuary city. It stops residents from reaching out when they have
41 been the victim of crimes; when they need assistance for their children; when they
42 want to participate fully in our community. It makes all of us safer to live in a city
43 where everyone can feel protected and live free of fear."
44

45 At the December 13, 2017 meeting, the PRC approved this recommendation:
46 **Motion to accept proposed recommendation regarding ICE on lines 1-23**
47 **of p. 19 of the packet.**
48 **Moved/Seconded (Sherman/Prichett) Motion Carried**
49 **Ayes: Lippman, Prichett, Sherman, and Halpern.**
50 **Noes: None Abstain: Allamby, Roberts**
51 **Absent: Ford, Matthews, Perezvelez, Yampolsky**
52



POLICY COMPLAINT FORM

Police Review Commission (PRC)

1947 Center Street, 1st Floor, Berkeley, CA 94704

Website: www.ci.berkeley.ca.us/prc/

E-mail: prc@ci.berkeley.ca.us

Phone: (510) 981-4950 TDD: (510) 981-6903 Fax: (510) 981-4955

Received by PRC

Date Received:
NOV 27 2017

PRC CASE # 2433

1

Name of Complainant: Guerre Glavin

Last

First

Middle

Mailing Address: 2337 Harrison Street #2, Oakland, CA 94612

Street

City

State

Zip

Primary Phone: (510) 839-2004 message Alt Phone: ()

E-mail address: _____

Occupation: _____ Gender: Female Age: _____

Ethnicity: Asian Black/African-American Caucasian

Latino/Hispanic Multiethnic: _____ Other: _____

2

Identify the Berkeley Police Department (BPD) policy or practice you consider to be improper or would like the Commission to review.

Berkeley passes strict law for sidewalk homeless, a agency laws. Conjure
up a distance part when police can punished people without a home or
permanent residence. "Berkeley targeting homeless on sidewalks
Sitting or sleeping near a building for some reason.

The proposed ordinance recalls measure F, a Berkeley ballot
measure in 2012 that proposed a ban on lying or sitting on Berkeley CA
sidewalks.

3

Location of Incident (if applicable) Berkeley, California

Date & Time of Incident (if applicable) Jan 2017 date is at question?

Provide a factual description of the incident that forms the basis of your complaint. Be specific and include what transpired, and how the incident ended.

John Wesley Johnson was homeless at the time and
on social security disability. City of Alameda Housing
Authority has information when John Wesley Johnson had
a low income housing in the City of Alameda a few years
ago, after he lost his home in the City of Alameda, CA
John Wesley Johnson became homeless.

4 What changes to BPD policy, practice, or procedure do you propose?

Police officers seeing a homeless person lying or sitting on a Berkeley side walk or near any buildings. A police officer should speak to the homeless person and ask who they are and ask the person or persons to move out of the area at the time. Police officers should always carry a homeless shelter list to give to a homeless person or person's before arresting a person or person's. Please ask the police officers to be more kinder to the homeless in Berkeley, California

5

Use this space for any additional information you wish to provide about your complaint. (Or, attach relevant documentation you believe will be useful to the Commission in evaluating your complaint.)

See attachments next pages. John Wesley Johnson was sleeping near a building and homeless in Berkeley, California, at the time he was waiting to get his social security check at a check cashing place. Mr. Johnson at the time did not know about the Berkeley city ordinance lying and sleeping on a Berkeley side walk near a building. A Berkeley police officer targeted Mr. Johnson and used his past rap record against him. Instead the Berkeley police officer created a false police report and never read him his Miranda Rights, when he was arrested at the time of the arrest.

Mr. Johnson stated he was not told what he was arrested for by a cop in Berkeley at the time of arrest.

6

CERTIFICATION

I hereby certify that, to the best of my knowledge, the statements made on this complaint are true.

Character witness

Glenn Dun
Signature of Complainant

NOV 23 2017
Date

7

How did you hear about Berkeley's Police Review Commission?

- Internet
- Publication: _____
- Referral: _____
- Other: _____

cc: John Wesley Johnson
cc: Mr. John W. Peace Father of Mr. Johnson Revised 4-22-16

Action Calendar – New Business

25. Referral to Police Review Commission to Write a Charter Amendment Ballot Measure *(Continued from October 31, 2017. Item contains revised materials.)*

From: Councilmembers Worthington and Harrison

Recommendation: Referral to the Police Review Commission to write a charter amendment ballot measure to present to Berkeley voters to reform the Police Review Commission structure.

Financial Implications: Minimal

Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action: M/S/C (Arreguin/Maio) to call the previous question on Item 25.

Vote: Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – Worthington; Abstain – Davila.

Action: M/S/C (Hahn/Droste) to adopt the following recommendation.

Refer to the City Manager and Police Review Commission (PRC) to review the existing enabling legislation, rules, and regulations for the PRC, and to consider all options, including charter amendments, ballot measures, and any other amendments to strengthen the authority of the PRC to consider and act on citizen complaints, and other possible structural, policy and procedural reforms.

Direct the City Manager (through the City Attorney) to provide a legal analysis of which proposals can be completed legislatively and which require amendments to the City Charter.

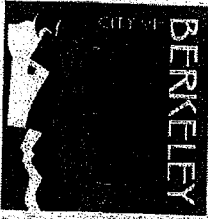
Changes the City Manager and PRC should consider, but not be limited to, include the following:

- 1. Use the "preponderance of the evidence" as the standard of proof for all PRC decisions.*
- 2. Extend the current 120-day limit on the imposition of discipline up to one year, consistent with existing California law.*
- 3. Give the PRC full discretion and access to evidence to review complaints as to alleged officer misconduct.*

As part of the review of proposed improvements to the PRC process, the PRC should analyze police review policies and structures in other jurisdictions (e.g. San Francisco, BART, etc.), all PRC models and engage relevant stakeholders, including the Berkeley Police Association and community organizations, in developing proposals.

Full analysis by the PRC and City Manager must be reported to the City Council by May 2018.

Vote: Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – Worthington; Abstain – Davila.



Police Review Commission (PRC)

June 14, 2016

To: Honorable Mayor and Members of the City Council
From: George Perezvelez, Chair, Police Review Commission *GP/KSP*
Re: Suggestions for Ballot Measure to Amend Current Enabling Ordinance
Establishing the Police Review Commission (Response to Item #52 on
the Council's June 14, 2016 agenda.)

The Berkeley Police Review Commission (PRC) was created with the general purpose of providing for community participation in setting and reviewing police department policies, practices, and procedures, and to provide a means for prompt, impartial, and fair investigation of complaints brought by individuals against the Berkeley Police Department. (B.M.C. section 3.32.010.)

In the interest of creating a more robust and effective avenue for citizen oversight of the Berkeley Police Department (BPD), the members of the PRC suggest the following changes to the PRC ordinance, to be either approved by the City Council or submitted to the voters in November. We believe these proposed changes will greatly enhance the effectiveness of the PRC, and assure that we are able to fully able to provide meaningful oversight to BPD.

- 1) The PRC shall use the "preponderance of the evidence" as the standard of proof for all decisions.
- 2) The current 120-day limit on the imposition of discipline shall be extended to one year, consistent with existing California law.
- 3) The PRC shall have full discretion to review complaints as to alleged officer misconduct from any person with personal knowledge of the alleged misconduct. Additionally, the PRC shall have the discretion to accept complaints from anonymous sources professing first-hand knowledge of alleged police misconduct, so long as the complainant requests anonymity based upon a credible belief that the complainant will face prosecution or harassment. The determination of whether the request for anonymity is based upon a credible belief shall be made by the a 2/3 vote of the full commission, acting in closed session.
- 4) The Commission shall have the same access to all BPD files and records, in addition to all files and records of other City departments and agencies, as the BPD's Internal Affairs Division. The BPD and other City departments and

1947 Center Street, 1st Floor, Berkeley, CA 94704 Tel: 510-981-4950 TDD: 510-981-6903 Fax: 510-981-4955
e-mail: prc@cityofberkeley.info website: www.cityofberkeley.info/prc/

agencies shall make every reasonable effort to respond to the Commissioner's requests for files and records within ten (10) days.

5) Upon a sustained finding of misconduct, the Board of Inquiry shall have the authority to suggest appropriate discipline to the Chief and/or City manager.

6) In addition to the training required of all Berkeley City Commissioners, all members of the PRC shall be required to complete training in the following areas: use of force; criminal procedure; Fourth Amendment; BPD general orders and standard operating procedures. This training shall include law, policy and best practices. The training shall be organized annually by the PRC Officer, in consultation with the City Attorney's office, the BPD, the BPA, and other community organizations.

7) Expand the jurisdiction of the PRC to include non-sworn employees of the BPD.

8) Review the Mayor's proposed budget to determine whether budgetary allocations for the Department are aligned with the Commission's approved policies, procedures, customs, and General Orders. The Commission shall conduct at least one public hearing on the Department budget per budget cycle and shall forward to the City Council any recommendations for change.

The members of the PRC voted at its June 8, 2016 meeting to send this communication to you by the following vote: Ayes – Bernstein, Lippman, Murphy (temporary appointment), Perezvelez, Roberts, Sherman, Smith, and Yampolsky; Noes – None; Abstain – None; Absent – Javier, Waldman.

cc: Dee Williams-Ridley, City Manager
Michael Meehan, Chief of Police
Zach Cowan, City Manager
Christian Stines, BPA
PRC Commissioners

PROPOSAL FOR PERFORMANCE AUDIT OF BPD

Submitted by Comm. Prichett

1-24-18

Whereas: Like departments across the country, BPD is experiencing difficulty recruiting sworn officers and the total staffing level of sworn officers is in steady decline.

Whereas: There has been no indication that there has been an efficiency study, audit or examination of how BPD uses its financial and human resources and how effectively these resources are being used in promoting public safety.

Whereas: The City is currently in negotiations with the Berkeley Peace Officers Association and the POA has launched a campaign called "Where's My Berkeley Cop?"

Whereas: Identifying performance standards, studying response times, identifying areas of redundancy, establishing performance measures, utilizing best practices and implementing a performance measurement system can all help to ensure that Berkeley Police Department is well managed and making the best use of its personnel and resources.

Therefore be it resolved that:

1. The Police Review Commission recommends that the City Council, on behalf of the City of Berkeley, contract with an outside auditor to have a **financial and performance audit** done of the Berkeley Police Department to examine the following areas and aspects of the department's functioning including but not limited to:
 - a. What are the overall areas of responsibility for BPD personnel at this point in time? How is BPD managing the workload?
 - b. What is the scope of tasks that sworn officers are required to do while on duty? What tasks are done by non-sworn personnel?
 - c. What tasks are done by sworn officers and could be conducted by non-sworn personnel and possibly hired out?
 - d. How can we measure the effectiveness of current BPD approaches to public safety?
 - e. Can we reduce redundancy of service by examining deployment strategies and practices? Can we revise our deployment and dispatch practices to make best use of available sworn personnel?
 - f. Are we ensuring that facilities and equipment are used effectively to support the goals of the community regarding crime prevention and resolution?

- g. How effective is our recruiting and training of law enforcement personnel in supporting public safety? What can be done to retain quality recruits and trained officers?
 - h. How effectively is BPD at handling complaints?
 - i. What methods are we/should we be using in measuring, reporting and improving on performance?
 - j. How well are we managing costs? How are community concerns and priorities reflected in the budget, training and allocation of staff and resources?
 - k. How well are we safeguarding property and evidence?
2. That Police Review Commission members contribute to the drafting of a scope of work and contribute their questions to the City Manager for inclusion in such a proposal.

Council Consent Items

18. **Healthy Black Families, Inc.: Relinquishment of Council Office Budget Fund to General Fund and Grant of Such Funds**
From: Councilmembers Bartlett, Hahn, Maio, and Davila
Recommendation: Adopt a Resolution approving the expenditure of an amount to be determined by each Councilmember to the Healthy Black Families Inc. annual holiday celebration.
Financial Implications: Unknown
Contact: Ben Bartlett, Councilmember, District 3, 981-7130
Action: Adopted Resolution No. 68,226–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Wengraf - \$100; Councilmember Maio - \$100; Councilmember Davila - \$75; Councilmember Harrison - \$100; Councilmember Hahn - \$100; Councilmember Worthington - \$250.
19. **Require City Council Approval of Any Proposed Acquisition of Material from the Department of Defense 1033 Program and Request Report and Related Documentation of Material Transferred**
From: Councilmember Harrison
Recommendation: 1. Adopt a Resolution requiring City Council ("Council") to review and approve any proposed acquisition of material prior to the Berkeley Police Department applying for material through the Department of Defense ("DOD") 1033 Program. 2. Refer to the City Manager a request for a report on the dates, contents, and uses of the transfers of materials to the Berkeley Police Department through the 1033 Program that have occurred to date. Direct that the City Manager issue the report by December 5, 2017. 3. Refer to the Police Review Commission a request for a report considering the City's enrollment in the 1033 Program.
Financial Implications: Staff time
Contact: Kate Harrison, Councilmember, District 4, 981-7140
Action: Moved to Action Calendar. 5 speakers. M/S/C (Harrison/Maio) to adopt Resolution No. 68,227–N.S.; Recommendation approved as amended in Supplemental Reports Packet #2 and with the change to Recommendation #2 to request an off-agenda memo from the City Manager on the equipment previously obtained through the 1033 program.
Vote: Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Worthington, Droste, Arreguin; Noes – Davila.
20. **Coyote Management and Co-Existence Educational Materials**
From: Councilmember Wengraf
Recommendation: Request that the Animal Care Commission add to their work plan a project to create educational materials and web content for the City of Berkeley website that informs Berkeley residents of coyote behavior and suggests best ways to co-exist with coyotes without conflict. Information on coyote behavior, management strategies, recommended responses to coyote encounters and attacks, and other pertinent information should be included.
Financial Implications: Minimal
Contact: Susan Wengraf, Councilmember, District 6, 981-7160
Action: Councilmember Davila added as a co-sponsor. Recommendation approved.

RESOLUTION NO. 68,227-N.S.

REQUIRING CITY COUNCIL APPROVAL OF ANY MATERIAL FROM THE
DEPARTMENT OF DEFENSE 1033 PROGRAM

WHEREAS, the equipment provided to and utilized by the Berkeley Police Department ("BPD") must be consistent with the will of the Berkeley community; and

WHEREAS, Bay Area Police Departments such as the University of California at Berkeley Police Department and the San Francisco Police Department have acquired military material through the 1033 Program, and the BPD is enrolled in the 1033 program and may acquire material through the program in the future.

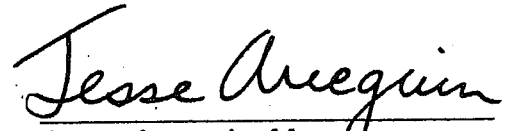
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it shall review and approve any proposed acquisition of material provided through the 1033 Program prior to the Berkeley Police Department applying for material.

The foregoing Resolution was adopted by the Berkeley City Council on November 14, 2017 by the following vote:

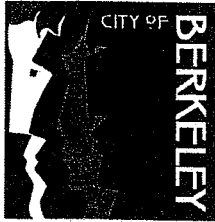
Ayes: Bartlett, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Arreguin.

Noes: Davila.

Absent: None.


Jesse Arreguin, Mayor

Attest: 
Mark Numainville, City Clerk



Office of the City Manager

November 28, 2017

To: Honorable Mayor and Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Subject: 1033 Program Report

On November 14, 2017, City Council approved Item 19, regarding the Department of Defense's "1033" program. With this item, Council requested "a report on the dates, contents and uses of the transfers of material to the Berkeley Police Department through the 1033 program that have occurred to date." This memorandum serves to report on the information as requested by Council.

The program provides a website where lists of available equipment can be viewed. Staff has access to this site. In 2016, staff looked at the program in order to explore the possibility of acquiring a second robot for the Emergency Ordinance Disposal ("EOD") unit, commonly referred to as the department's "bomb squad." EOD Units are subject to Federal certification. An EOD Unit is required to have at least one robot, which keeps officers safe when dealing with potentially lethal explosive devices. The desired robot cost approximately \$170,000 and would represent a valuable, additional resource for our Department. However, the equipment we sought is currently unavailable. We have registered our interest with the program, and will seek Council approval should the equipment become available. Our existing robot was obtained through UASI grant funds years ago.

While some staff remember procuring ballistic helmets through this program over ten years ago, they were ultimately not useful due to size, and they have not been a part of the Department's inventory for many years. Protective helmets are critical, as demonstrated this spring when individuals at social media-driven protests threw quarter sticks of dynamite at officers' heads.

The Berkeley Police Department currently has no materials received through this program.

The Berkeley Police Department is dedicated to serving according to our community's values. Our purchases of equipment – as with the implementation of policy,

Page 2 of 2
November 28, 2017
Re: 1033 Program Report

development of training and daily practices – also seek to mirror those values. Our pursuit of outside funding is part of our commitment to reduce costs to Berkeleyans while improving our service to our community.

If you have any questions, please let me know.

cc: Jovan Grogan, Deputy City Manager
Andrew Greenwood, Chief of Police
Ann Marie Hogan, City Auditor
Mark Numainville, City Clerk
Matthai Chakko, Assistant to the City Manager / Public Information Officer

Agenda Item # 9.e.
PRC Meeting of

Feb 28, 2018

Lee, Katherine

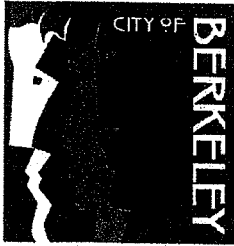
From: Speelman, Samantha M.
Sent: Monday, December 04, 2017 5:08 PM
To: Lee, Katherine
Subject: Lexipol Policies 1 of 3
Attachments: 101 Chief Executive Officer PRC.docx; 102 Oath of Office PRC.docx; 103 Policy Manual PRC.docx; 200 Organizational Structure PRC.docx; 204 Electronic Mail PRC.docx; 205 Administrative Communications PRC.docx; 206 Retiree Concealed Firearms PRC.docx; 302 Handcuffing and Restraints PRC.docx; 307 Vehicle Pursuits PRC.docx; 308 Canines PRC.docx

Follow Up Flag: Follow up
Flag Status: Flagged

I'm sending you 25 of the Lexipol policies, they are out of order since others are in various stages of research and approval.

10 of 25


1	101	Chief Executive Officer
2	102	Oath of Office
3	103	Policy Manual
4	200	Organizational Structure and Responsibility
5	204	Electronic Mail
6	205	Administrative Communications
7	206	Retiree Concealed Firearms
8	302	Handcuffing
9	307	Vehicle Pursuits
10	308	Canines
11	309	Officer Response to Calls
12	310	Domestic Violence
13	311	Search and Seizure
14	312	Temporary Custody of Juveniles
15	313	Adult Abuse
16	314	Discriminatory Harassment
17	315	Child Abuse
18	318	Victim and Witness Assistance
19	319	Hate Crimes
20	320	Department Use of Social Media
21	323	Report Preparation
22	324	Media Relations
23	330	Death Investigation
24	331	Identity Theft
25	332	Communications with Persons with Disabilities



Police Review Commission (PRC)

February 22, 2018

To: Police Review Commissioners

From: Katherine J. Lee, PRC Officer 

Re: Proposed process for handling BPD employee commendations

Here is a suggestion on how you might handle the letters of commendation of Berkeley Police Department employees that are forwarded to the PRC.

Background. In the recent past, Commissioners have gone through the commendations one by one, and if any one Commissioner felt the employee/s in question deserved special mention, the employee/s names were included in a letter to the Chief as being recognized for extraordinary service. (The vast majority of commendations involve sworn police officers, but occasionally, other department employees, such as community service officers and administrative staff, are praised.) Most Commissioners think that that process needs revising.

Proposal. The following is offered to spur your thinking and to have something concrete to discuss at your February 28 meeting.

Step 1: Before the meeting, each Commissioner reviews the commendations in the packet and selects up to five employees he or she feels are deserving of special recognition.

Step 2: At the meeting, the Chair opens the floor for "nominations," at which time each Commissioner presents the employees he/she has selected. If at least two other Commissioners agree, that employee is added to a list for special mention.

Step 3: The Commission votes on a motion that all those recognized in Step 2 above are recognized by the Commission for their extraordinary efforts (or however you want to frame it) and the PRC Officer should write a letter to the Chief to that effect, with a copy to each commended officer, and publish their names in the minutes of the meeting.

Again, this is staff's proposal for you to think about. The ultimate process is up to you to agree upon.

Crime Trends in Berkeley
Research by George Lippman
February 12, 2018

This note is offered as a contribution toward the current discussion of police staffing levels in Berkeley.

The Berkeley Police Department periodically reports on the amount of criminal activity in the City, disaggregated by types of crime as defined in the Uniform Crime Handbook (UCR). Such reports can be found online in the City of Berkeley's "Records Online" system.¹

I examined three such reports, with multi-year trend reports covering the years 2003 through 2016:

1. 1/27/2009, from Chief Hambleton: "Quarterly Report: Crime in Berkeley"
2. 3/25/2014, from Chief Meehan: "Crime Report—2013"
3. 3/14/2017, from Chief Greenwood: "Crime Report—2016"

Over a period of 14 years, the three reports show a multi-year trend of declining crime overall (over 38%) and in most categories. Theft/larceny is down by almost 40%, burglary by 35%, auto theft by 52%, robbery by 12%. These categories make up 95-98% of crimes committed in Berkeley depending on the year.

Other crime categories have far fewer numbers and show greater volatility in both directions. The crimes are serious, but the year-to-year changes may be statistically less significant.

This data is important to the current conversation about BPD staffing levels. The conversation is flawed when it is based on the premise, as stated in the Berkeley Police Association (BPA) website "Where's My Berkeley Cop," that:

In 1999, Berkeley had 215 cops on the beat. Soon the city may have fewer than 140 officers to answer calls for service.

But while the number of cops has gone down, Berkeley's population has gone up - from 108,000 in 1999 to 121,000 today. The city continues to grow in size, with new apartment buildings and businesses being built, while the Police Department grows smaller.

¹ https://www.cityofberkeley.info/Clerk/Records/Records_Online.aspx. Click "Search Records Online* Now." Under *Select Document Type*, choose "Staff Report" and under Search Text type "crime" and set the date range from 1990 to the present. Note that the rows do not return in any apparent order.

The math is simple. 12% more residents + 35% fewer cops = slower response times and serious consequences for public safety.

But in fact, the math is not that simple. The number of residents in the City does not translate automatically into an increase in crime. In fact, the data cited above show that going back to 2003—as close to 1999 as available BPD data allows—crime has actually declined by 38%.

Clarifying the crime trend in the last 14 years is not the end of the discussion about police staffing levels. It is, however, an essential part of the discussion. Looking at crime trends is a beginning to moving away from an emotion-based debate and toward a thoughtful consideration about policing priorities and an appropriate staff count.

I. Here are the 2003-08 trend tables. The comments are from the BPD in January 2009.

Crime Statistics

The overall crime rate has gone up and down significantly in Berkeley over the past thirty years.

- In 1978, there were 1,022 Part I violent crimes and 10,905 Part I property crimes for a total of 11,927
- In 2007, there were 621 Part I violent crimes and 7279 Part I property crimes for a total of 7900. This represents a 33.7% reduction in crime over thirty years
- Violent crime was at a peak in 1992 with 1,655 crimes
- Violent crime was at its lowest in 2004 when there were 528 reports
- In 1981, property crimes was at its highest of 13,537 and total Part I crimes reached the highest point of 14,608 reports
- Property crime was at its lowest in the year 2000 with 6,977 reports
- Property crime in 2007 was down 50% compared to the highest point in 1981
- Violent crime in 2007 was down 62% compared to the highest point in 1992
- There was little change in overall Part I crime for the first 9 months of 2008

In the shorter term, since the recent low point there was an increase in property crimes for several years (2001 – 2003) followed by a decline over the past few years. Violent crime increased by 17.6% (93 actual crimes) from 2004 to 2007. This increase has primarily been due to an increase in robbery. Other agencies throughout the Bay Area have experienced a similar increase in the robbery rate. The following table shows all of the Part I crimes for the previous five years.

	2003	2004	2005	2006	2008
Homicide	5	4	3	4	5
Rape	19	16	22	21	23
Robbery	411	352	356	411	432
Agg. Assault	158	155	165	194	161
<i>Violent Crime</i>	593	528	546	630	621
Burglary	1240	1377	1227	1146	1163
Theft	6472	6252	5576	5232	5044
Auto Theft	1348	1189	1266	1126	1045

Arson	34	46	30	35	27
Total Prop. Crime	9094	8864	8099	7309	7279

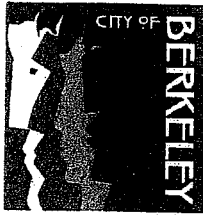
II. Here are the 2009-2013 trend tables:

	Homicide	Rape	Robbery	Agg. Assault	Burglary	Larceny	Auto Theft	Arson	TOTAL
2009	6	24	441	136	1066	4672	741	25	7111
2010	6	21	364	140	1085	4252	604	23	6495
2011	1	20	340	120	974	3458	634	25	5572
2012	5	39	334	108	967	4102	639	15	6209
2013	4	29	409	122	978	3664	668	16	5890

III. Here are the 2014-2015 trend tables:

	Homicide	Rape	Robbery	Agg. Assault	Burglary	Larceny	Auto Theft	Arson	TOTAL
2014	3	25	265	132	934	3624	556	16	5555
2015	1	41 *	331	135	1089	4118	713	20	6448
2016	2	53	362	182	803	3927	647	20	5996

* The number of reported Rape incidents increased beginning in 2015 due to a change in the federal UCR standard definition of rape. It now includes additional sexual assault offenses and incidents where victims were male.



Police Review Commission (PRC)

February 16, 2018

To: Honorable Mayor and Members of the City Council
From: Sahana Matthews, Chair, SM Police Review Commission
Re: PRC's Recommendation on Use of Specially Equipped Panel Van

This responds to Mayor Arreguin's request to the Police Review Commission that it review a proposed policy for the Berkeley Police Department's use, deployment and operations training for a specially equipped panel van. The request was in accord with Resolution No. 68,053-N.S. setting forth procedures for developing the policy.

The PRC considered the proposed policy (a revised draft received December 27, 2017) at its February 14, 2018 meeting and was largely in agreement with it. The only exception is that a majority of the PRC opposes use of the specially equipped van for any reason related to crowd control or crowd management. Accordingly, it proposes deleting two sentences as shown on the attached redlined copy of the December 27, 2017 draft policy.

The policy, as modified, passed by the following vote: Moved/Seconded (Sherman/Prichett); Ayes: Lippman, Matthews, Prichett, Sherman, and Yampolsky; Noes: Roberts; Abstain: Allamby; Absent: Ford, Perezvelez.

Attachment

cc: Dee Williams-Ridley, City Manager
Jovan Grogan, Deputy City Manager
Andrew Greenwood, Chief of Police
PRC Commissioners

RESOLUTION NO.

ESTABLISHING THE CONDITIONS FOR THE USE, DEPLOYMENT AND
OPERATIONS TRAINING FOR SPECIALLY EQUIPPED PANEL VAN BY THE
BERKLEY POLICE DEPARTMENT

WHEREAS, On June 20, 2017, the City Council adopted Resolution No. 68,053-N.S., pursuant to City Charter Article XI Section 67.2, for the purchase of a Specially Equipped Panel Van for use by the Berkeley Police Department in situations where there is an objective risk to the safety of civilians and/or officers from a person who may be considered armed and dangerous or in a situation that would risk injury or death to civilians or officers.

WHEREAS, Additionally, on June 20, 2017, the City Council adopted Resolution No. 68,052-N.S. establishing the terms and conditions of the City of Berkeley's acceptance of the UASI grant funding to purchase the Specially Equipped Panel Van to be: (1) The City of Berkeley ("Berkeley") retains authority to determine the UASI sponsored programs and activities Berkeley will participate in; and (2) The vehicle shall be used only in UASI sponsored exercises that Berkeley chooses to participate in, and in such instances shall only be used by Berkeley personnel, according to Berkeley's policies and protocols, under Berkeley's exclusive command and control.

WHEREAS, Council's action on June 20, 2017 through adoption of Resolution No. 68,053-N.S. stated that the City Council will adopt a policy for use of the Specially Equipped Panel Van prior to its being deployed in any capacity by the City of Berkeley.

WHEREAS, Requirements for use, deployment and operations training have been reviewed by the Berkeley Police Department and Police Review Commission.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it establishes the following conditions regarding the use, deployment, and training for the Specially Equipped Panel Van by the Berkeley Police Department:

USE OF THE SPECIALLY EQUIPPED PANEL VAN

The use of the Specially Equipped Panel Van will be authorized by the field supervisor and, whenever practical, the on-duty/on-call Watch Commander. The use of the Specially Equipped Panel Van will only be for supervisory approved purposes including, but not limited to, calls for service involving potentially armed subjects, Tactical Team callouts, search warrants served by at least one Tactical Team member, or authorized training. The vehicle's purpose is to provide an armored rescue resource for officers to use when managing critical incidents.

The Specially Equipped Panel Van shall not be deployed during non-violent demonstrations, including for crowd control and crowd management. ~~The vehicle may be called to a declared unlawful assembly, when persons are engaged in criminal~~

~~behavior that presents an objective risk of injury or death. The Specially Equipped Panel Van may be staged at pre-designated locations away from protest sites to allow for timely response.~~

The SWAT commander will maintain a vehicle usage log which will be provided to the City Council and Police Review Commission every 12 months, or as requested.

SPECIALLY EQUIPPED PANEL VAN OPERATION TRAINING

Periodic briefings and training will be conducted on the operation and deployment of the Specially Equipped Panel Van. Supervisors shall submit training validation forms to document that staff members have received appropriate training regarding the use and deployment of the Specially Equipped Panel Van.

SPECIALLY EQUIPPED PANEL VAN DEPLOYMENT CONSIDERATIONS

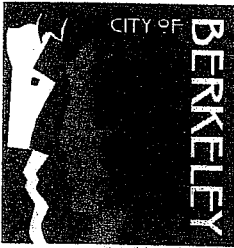
Staff has the discretion to deploy the Specially Equipped Panel Van in those circumstances where there is an objective risk of serious injury or death to civilians and officers and use of the vehicle may reduce or resolve said risks by facilitating safe police management of the critical situation and rescue of injured persons. Staff should:

- Assess the situation and based on the objective facts determine that the discretionary use of the vehicle may contribute to the safe resolution of a critical incident where there is a risk of serious injury or death to civilians or officers.
- Given proper authorization for deployment of the vehicle, staff should, except in an emergency, create an operational plan for deployment of the vehicle consistent with this policy, current law and the Berkeley Police Department Use of Force policy.
- The vehicle may be used to locate and contain a threat by providing cover for officers, facilitating a rescue of an injured person or as a tactical resource to allow officers to take into custody a person who presents an objective risk of injury or death to civilians or officers.

In selecting the rescue team, the supervisor should consider experienced personnel, including but not limited to: Tactical Team Operators and/or former Tactical Team members, Hostage Negotiators and officers who have received Crisis Intervention Training (CIT). In addition, the rescue team should include an officer trained in emergency medicine support, rescue carriers, cover officers along with officers equipped with less lethal force equipment. Fire and ambulance personnel should be ready to accept injured persons at the termination point of the rescue.

USE OF THE SPECIALLY EQUIPPED PANEL VAN BY OUTSIDE AGENCIES

The on-duty supervisor shall approve the use of the Specially Equipped Panel Van by outside agencies for emergency purposes. At least one on-duty Tactical Team officer shall deploy with the vehicle, to assist outside agency requests. This may include additional officers who have received training in advanced first aid. At all times any use of the Specially Equipped Panel Van shall be consistent with Berkeley Police Department Use of Force policy. Under no circumstances shall the Specially Equipped Panel Van be used in Urban Shield exercises.



Police Review Commission (PRC)

February 21, 2018

To: Dee Williams-Ridley, City Manager
From: Sahana Matthews, Chairperson, Police Review Commission
Re: Proposed Good Governance Police Accountability Plan

The Police Review Commission is interested in being able to evaluate the effectiveness of the Berkeley Police Department; however, it believes that such an evaluation cannot be accomplished unless measurable goals are in place. Accordingly, at its February 14, 2018 meeting, the Commission voted unanimously¹ to ask that the City develop a "Good Governance Accountability Plan" for the Police Department, to begin with the six items below. The Commission further asks that you engage with the PRC in determining the extent to which these measures already exist as part of the budget and planning process; and, to the extent that they do not, to establish them.

1. The Police Chief will be responsible for creating annual goals for the department with input from the community that are measurable and related to reducing crime and improving the safety situation in Berkeley.
2. The Police Chief will create an annual training and professional development plan for the department that supports the achievement of the annual goals. This plan will be submitted by the start of each fiscal year.
3. The BPD will create a budget plan that supports the achievement of these identified goals.
4. The Police Chief will work to identify data sources, metrics and measures that will assist the police department, the City Council, the Police Review Commission and the public in evaluating the effectiveness of the department. Departmental effectiveness will be evaluated annually based on the measures and reported to the PRC, the City Council and the public.

¹ M/S/C Yampolsky/Roberts; Ayes: Allamby, Lippman, Matthews, Prichett, Roberts, Sherman, and Yampolsky; Noes: None; Abstain: None; Absent: Ford, Perezvelez.

5. The BPD will work with a full-time data analyst to work with staff to improve data collection and analysis and to assist in the creation of credible, reliable data that can be used for evaluation of departmental effectiveness, allocation of funds, and the focus of trainings and professional development.
6. The Berkeley Police Department shall commence regular annual or bi-annual departmental audits of assets and expenses

Thank you for your consideration of this request.

cc: Honorable Mayor and Members of the City Council
Andrew Greenwood, Chief of Police
Jovan Grogan, Deputy City Manager
PRC Commissioners

BERKELEY POLICE DEPARTMENT

DATE ISSUED: February 14, 2018

GENERAL ORDER C-45

SUBJECT: POLICE CHAPLAIN PROGRAM

PURPOSE

- 1 - To implement a vibrant, interfaith chaplaincy program to support the men and women of the Berkeley Police Department, the employees of the City of Berkeley and the Berkeley community.
- 2 - To establish a strong link between the police department and the faith-based community.

POLICY

- 3 - The Chaplain's purpose is to render, on request, spiritual, practical, and social guidance and comfort to members of the Berkeley Police Department and its ancillary support agencies. Chaplains shall also provide such services to the citizens of Berkeley at large.

DEFINITIONS

- 4 - Police Chaplain: The Police Chaplain is not a law enforcement officer, but a volunteer who is an ordained/lay/spiritual leader from the community and a member in good standing of a recognized religious denomination or group.
- 5 - Program Manager: A sworn member of the Berkeley Police Department responsible for the overall management of the Chaplain Program. The Chief of Police will assign the Program Manager. The Program Manager will report directly to the Personnel and Training Bureau Lieutenant.

POLICE CHAPLAINCY STRUCTURE

- 6 - The Police Chaplain Program will be governed by the Chief of Police, and administered through the Professional Standards Division and the designated Program Manager. Assistant Chaplain Coordinator(s) may also be appointed.
- 7 - Duties of the Program Manager:
 - (a) The Program Manager will arrange Police Chaplain training, oversee equipment, ensure scheduling, provide an avenue for problem/conflict resolution, and develop policy and procedures for the program under the guidance and supervision of the Berkeley Police Department administration. The Program Manager shall consider complaints or problems regarding Chaplains, and assist the Chief of Police in any

BERKELEY POLICE DEPARTMENT

DATE ISSUED: February 14, 2018

GENERAL ORDER C-45

decision to terminate the services of a Chaplain who abuses privileges or fails in his/her responsibilities as a Police Chaplain.

- (b) The Program Manager shall maintain all files related to the Program.
- (c) The Program Manger will serve as a planner and consultant to the Personnel and Training Bureau Lieutenant and the Professional Standards Division Captain providing recommendations to the Chief of Police regarding the appointment, background investigation, and recruiting of prospective Chaplains.
- (d) The Program Manager will evaluate the performance of all assigned Police Chaplains on an annual basis and be responsible for maintaining evaluation records.

8 - Call-Out Procedures for Police Chaplains

When an officer or supervisor requests a Police Chaplain call-out via Dispatch, the following directions must be given:

- (a) Where the Police Chaplain should respond, and:
- (b) Who the Police Chaplain is to contact at the location.

9 - Police Chaplains will respond to the call out in the following manner:

- (a) Contact Dispatch by telephone as soon as possible upon receiving voicemail, and obtain information regarding call location, circumstances, and contact person.
- (b) Advise Dispatch by radio/telephone when: in route to the scene, upon arrival, change of location, call completed, etc.
- (c) Upon arrival, contact the person, officer or supervisor as indicated by Dispatch.
- (d) The assigned Police Chaplain should assess the need for additional Police Chaplains. Additional Police Chaplains should be called out directly by the on scene Police Chaplain.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: February 14, 2018

GENERAL ORDER C-45

- (l) Maintain the highest possible program credibility with regard to honesty and confidentiality.
 - (m) Police Chaplains shall comply with the orders and instructions of the officer-in-charge of any department function.
 - (n) Police Chaplains are authorized to visit Department facilities and incident scenes where activities indicate a need for ministerial services. Police Chaplains may converse with department employees when the need for ministerial services is requested or is apparent provided such communication does not interfere with Department operations.
 - (o) Police Chaplains, while functioning as Berkeley Police Department Chaplains, shall not verbalize to any person theology or doctrines particular to any individual group or denomination unless requested.
 - (p) To provide assistance, upon request, to the Critical Incident Stress Management Team.
- 15 - Uniforms shall be maintained in good repair and worn in neat and clean fashion. The Police Chaplain's uniform is outlined in the Police Chaplain's uniform letter. The Chief of Police prior to use will approve all uniform items.
- 16 - A Department identification card shall be issued to each Police Chaplain and shall be worn as identification when not in uniform when performing Chaplains' duties. The identification card is the property of the Berkeley Police Department and is to be surrendered at the time of separation from the program. Loss of the identification card is to be reported to the on-duty shift supervisor or Program Manager immediately.
- 17 - Separation of Police Chaplains:
- Separation of Police Chaplains will be done at the direction of the Chief of Police and may result from the following:
- (a) Failure by the Chaplain to knowingly abide by the established policy, orders, International Conference of Police Chaplains Canon of Ethics, and procedures of the Berkeley Police Department. The Program Manager shall keep an updated copy of all the aforementioned documents for reference.
 - (b) Failure to honor and abide by the authority of an "officer-in-charge" in the field.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: February 14, 2018

GENERAL ORDER C-45

- (c) Failure to practice good professional, ethical, and moral standards bringing discredit to the program and the Berkeley Police Department.
- 18 - All complaints about Police Chaplains shall be brought to the attention of the Program Manager to be forwarded to the Chief of Police via the Professional Standards Division Chain of Command.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: February 14, 2018

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10 - The assigned Police Chaplain shall ensure the call out is documented as follows:

- (a) Provide the Program Manager with a written summary of the call. The basic interrogatives of who, what, when, where, why and how should be covered in the written summary.
- (b) Problems with the call out shall be forwarded to the Program Manager.

11 - The following are examples of call out situations, but do not include all possible situations:

- (a) Officer injury/death/accident
- (b) Death notifications
- (c) SIDS death
- (d) Suicides
- (e) Homicides
- (f) Major disasters - natural or accidental
- (g) Major injury vehicle collisions
- (h) Death Scenes
- (i) Major structure fires

12 - Participation in the Program

Volunteer Police Chaplains selected for participation will be chosen via the following criteria:

- (a) Highest standards with regard to moral and ethical character.
- (b) Skilled in ministry and pastoral care.
- (c) Demonstrate a commitment to the policies, regulations, and mission of the Berkeley Police Department and goodwill towards the citizens of Berkeley.
- (d) Be an ordained/lay/spiritual leader in good standing with a recognized religious denomination or group.

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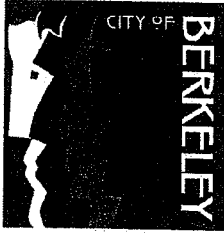
- (e) Obtain written approval of the pastor or governing body of their particular denomination or group to become a volunteer Police Chaplain.
- (f) Be approved and appointed to the Police Chaplain Program by the Chief of Police.

DUTIES

13 - The Berkeley Police Department Police Chaplain Program is assigned to respond to the needs of Berkeley Police Department personnel and their families. They also are assigned to respond to the needs of all others in our community.

14 - Typical Duties of a Police Chaplain:

- (a) Respond and provide spiritual or pastoral counseling or aid requested by Department employees, their families, or a member of the community.
- (b) Respond when incidents of on-duty injuries or death occur.
- (c) Visit sick or injured employees, or family members, at their home or hospital when requested.
- (d) Participate in funeral or memorial services for active or retired employees. Assist family members in preparation of funeral arrangements.
- (e) Provide comfort, aid, and assistance in the field for Berkeley Police Department personnel.
- (f) Assist Department officials in providing death or serious injury notifications.
- (g) Respond and assist victims of major accidents both at the scene and at the hospital.
- (h) When requested, participate in Department promotion functions, award ceremonies, dinners, and social events.
- (i) Attend assigned training and program meetings.
- (j) Become familiar with, and adhere to, the applicable policies, orders, and procedures of the Berkeley Police Department.
- (k) Work under the direction and assistance of the personnel administering the Police Chaplain Program.



City Clerk Department

February 21, 2018

To: Honorable Mayor and Members of the City Council
From: *MM* Mark Numainville, City Clerk
Subject: Changes to the Schedule for Supplemental Reports and Communications Packet #2

Per Ordinance 7,588-N.S. the deadline for revised and supplemental agenda materials has been moved one day earlier to 12:00 p.m. the day before the council meeting. These materials will be distributed to the Council and posted for the public in Supplemental Packet #2 by 5:00 p.m. the day prior to the council meeting for which they were submitted.

The ordinance creating the new deadline is effective February 24, 2018. **The deadline for Supplemental Packet #2 for the February 27, 2018 council meeting is Monday, February 26, 2018 at 12:00 p.m.**

Supplemental materials that do not meet this deadline may be introduced at the council meeting after being accepted for consideration by a 2/3 vote of the City Council.

The new deadline also applies to communications received from the public. Any communication received after 12:00 p.m. the day prior to the meeting will be included in Supplemental Packet #3.

Complete deadlines for the Supplemental Packets are noted in the table below.

Submission Deadline	Distributed	Packet
Seven days before the meeting, by 5:00 p.m. (Tuesday)	Five days before the meeting (Thursday)	Supplemental 1
Day before the meeting by 12:00 p.m. (Monday)	By 5:00 p.m. the day before the meeting (Monday)	Supplemental 2
Submitted after 12:00 p.m. the day prior to the meeting	By 5:00 p.m. two days after the meeting (Thursday)	Supplemental 3

February 21, 2018

Please contact me at 981-6909 or mnumainville@cityofberkeley.info if you have any questions.

cc: Ann-Marie Hogan, City Auditor
Dee Williams-Ridley, City Manager
Department Heads