



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, September 12, 2018
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR MATTHEWS AT 7:03 P.M.

Present: Commissioner Sahana Matthews (Chair)
Commissioner Gwen Allamby
Commissioner Kitty Calavita
Commissioner Andrea Prichett
Commissioner Ismail Ramsey
Commissioner Terry Roberts
Commissioner Michael Sherman

Absent: Commissioners: Ari Yampolsky, George Perezvelez

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood (left 8:25 p.m.), Lt. Angela Hawk

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

3. PUBLIC COMMENT

There were 2 speakers.

4. APPROVAL OF MINUTES

The Regular Meeting Minutes of July 25, 2018, were approved by general consent.

5. CHAIR'S REPORT

Glad to be back and looking forward to what the PRC can accomplish the rest of this year.

6. PRC OFFICER'S REPORT

a. No new complaints filed since last meeting. A BOI was scheduled Aug. 31, but complainant did not show up, so case was dismissed. Decision on the Caloca appeal was received; administrative law judge overturned the one sustained finding. Will agendaize a discussion of the decision for a closed session next meeting.

-- NACOLE Conference is Sept. 30 – Oct. 4; PRC Officer, Investigator Norris, Comm. Allamby will be attending, as will Chief Greenwood.

-- Annual Report draft is just about done and hope to get it to Commissioners early next week for extra time to read.

-- Meet and confer re proposed Charter amendment is ongoing. See memo from City Attorney in agenda packet attachments.

-- Also in packet, an email to Commissioners and article from 2017: commissioners are public officials for purposes of the Public Records Act and requests for your emails and other communications on personal accounts and devices are subject to disclosure. Further discussion to be agendaized.

-- Sgt. Fomby has offered to do a session on de-escalation training for Commissioners. Sense of Commission to hold a special meeting for this purpose.

b. Prioritizing new agenda items (**discussion & action**)
Not discussed

7. CHIEF OF POLICE'S REPORT

Chief Greenwood reported:

-- Currently at 160 sworn officers; really 135 after academy, training, injury, and other leave accounted for. Couple officers who left have requested reinstatement; a couple who had job offers decided to stay. Having contract in place probably helped.

-- Putting together a group to work on recruitment and hiring, comprised of one person from each division. One component is attending recruiting events. Seeking Council approval for bonus program.

-- Contract with BPA ratified by Council. Lasts to mid-2020.

-- Narcan program launched. BPD has acquired several nasal inhalers for use on people experiencing an opioid overdose.

-- Barbershop Forum – a group from Oakland aiming to foster community-police relationships. Facilitate discussion in a safe space. BPD will participate in a forum on Sept. 24, 2018, at 6:00 pm. at the South Berkeley Senior Center.

-- Working on wellness and resiliency as a strategic objective. E.g.s: found vendor of healthy meals to deliver to Dept at night, when people don't have access to

healthy foods; replaced a traditional vending machine with one offering healthy options; installed 2 water dispensers to fill bottles and avoid disposables.

-- Rotation of shifts every 6 months; new timesheet coming up (Sept. 23). Ideally have 79 officers on patrol but might have only 73. This summer all officers worked at least 3 OT shifts.

-- Voluntary security camera registry program just began.

-- Supporting Berkeley High School's Law & Social Justice class for 3d straight year with ride-alongs and presentations by officers.

-- Body-worn cameras: anticipate policy going out around Sept. 28 or 29 and training to start Oct. 22. As officers are trained they will start wearing them.

-- Brought After-Action Report for the August 5 protest. Unaware that the response to Commissioner Prichett's PRA request was sent. Some sections of an AA report take a lot longer than 72 hours.

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. General Orders C-64, etc. Subcommittee.

Motion to dissolve the General Orders C-64, etc. Subcommittee and consider review of the Commanders' Guide in conjunction with any review that may occur of August 5, 2018 events.

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

Ayes: Allamby, Calavita, Matthews, Prichett, Ramsey, Roberts, and Sherman.

Noes: None Abstain: None Absent: Perezvelez, Yampolsky

b. Homeless Encampment Subcommittee – awaiting City Manager's policy.

c. Lexipol Policies Subcommittee – Comm. Ramsey reported that the Subcommittee held two meetings and the next one will be Sept. 17. at 7:00 p.m. Will be bringing first batch for PRC review at the next meeting.

9. OLD BUSINESS (discussion & action)

a. How the PRC can request information from other City departments in the most efficient manner; review of City Attorney's opinion on whether a standing item, "Requests for information," is sufficient under the Brown Act.

Discussed; no action taken.

b. Follow-up to request for After-Action reports and other information from the BPD regarding dismantling of homeless encampments that have occurred in the past six months.

Comm. Ramsey withdrew item in light of Chief's representation that no After-Action reports were generated other than after the Feb. 2017 occurrence.

- c. Consider proposed "Guiding Principles" for PRC adoption and other ideas related to addressing BPD staffing shortage.

By general consent, the Commission agreed with Comm. Matthews's proposal that she flesh out the principles and distribute a revision for discussion at the next meeting.

- d. Review policy on use of body-worn cameras, including sufficiency of provisions on use of associated iPhone.

Motion to postpone this item until the next meeting.

Moved/Seconded (Matthews/Ramsey) **Motion Carried**

Ayes: Allamby, Calavita, Matthews, Prichett, Ramsey, Roberts, and Sherman.

Noes: None Abstain: None Absent: Perezvelez, Yampolsky

10. NEW BUSINESS (discussion & action)

- a. Select Commissioner to attend International Association of Chiefs of Police (IACP) Conference in Orlando, FL, Oct. 6 – 9, 2018.

Motion to send Commissioner Ramsey to the IACP conference.

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

Ayes: Allamby, Calavita, Matthews, Prichett, Ramsey, Roberts, and Sherman.

Noes: None Abstain: None Absent: Perezvelez, Yampolsky

- b. Issues surrounding the BPD Response to Protests on August 5, 2018:

- i. Request After-Action report created after the August 5 protests.

Motion to table all of Item 10.b. until after all other items on agenda.

Moved/Seconded (Sherman/Ramsey) **Motion withdrawn**

- ii. Request inventory of munitions **before and after** the protests.

Motion to request an inventory of munitions before and after the protests including original forms, original notes, or other documents showing what actually happened.

Moved/Seconded (Prichett) **Motion Failed for lack of second**

- iii. Examination of issues, including: pre-emptive confiscation of sound truck near Ohlone Park, and other "de-escalation" strategies used.

Motion to postpone the remainder of Item #10.b. to a future meeting.

Moved/Seconded (Matthews/Ramsey) **Motion Carried**

Ayes: Allamby, Calavita, Matthews, Ramsey, Roberts, and Sherman.

Noes: Prichett Abstain: None Absent: Perezvelez, Yampolsky

iv. Review policies, including General Order P-29, Sec. 7, related to the release of mugshots and the decision to release this information.
(See above).

c. Draft Commission Work Plan for 2018-2019 for review, revision, and approval.

Motion to accept the draft Work Plan.

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

Ayes: Allamby, Calavita, Matthews, Ramsey, and Sherman.

Noes: None

Abstain: Prichett

Absent: Perezvelez, Roberts

Yampolsky

c. Staff's proposed closure of Policy Complaint # 2433.

Motion to close the complaint, and when informing the complainant, remind her of the individual complaint filing process.

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

Ayes: Allamby, Calavita, Matthews, Ramsey, Roberts, and Sherman.

Noes: None

Abstain: Prichett

Absent: Perezvelez, Yampolsky

d. Consider recommending a policy to prioritize safety for sex workers.

Motion to form a subcommittee on a policy to prioritize safety for sex workers.

Moved/Seconded (Ramsey/Matthews) **Motion Carried**

Ayes: Allamby, Calavita, Matthews, Prichett, Ramsey, Roberts, and Sherman.

Noes: None

Abstain: None

Absent: Perezvelez, Yampolsky

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There were 2 speakers.

13. ADJOURNMENT

By general consent, the meeting was adjourned at 10:09 p.m.