



Police Review Commission (PRC)

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

**Wednesday, September 26, 2018**  
**7:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY CHAIR MATTHEWS AT 7:05 P.M.**

Present: Commissioner Sahana Matthews (Chair)  
Commissioner George Perezvelez (Vice Chair)  
Commissioner Kitty Calavita  
Commissioner Andrea Prichett  
Commissioner Ismail Ramsey  
Commissioner Terry Roberts  
Commissioner Michael Sherman

Absent: Commissioner Gwen Allamby, Commissioner Ari Yampolsky

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Lt. Randy Files, Sgt. Cesar Melero

**2. APPROVAL OF AGENDA**

The agenda, with the postponement of Item #10.c. to the next meeting, was approved by general consent.

**3. PUBLIC COMMENT**

There were 5 speakers.

**4. APPROVAL OF MINUTES**

**The Regular Meeting Minutes of September 12, 2018 were approved by general consent.**

**5. CHAIR'S REPORT**

Very packed agenda and will try to keep moving forward; please keep in mind the time and motions you want the Commission to act upon.

## **6. PRC OFFICER'S REPORT**

- a. No new complaints filed since last meeting. Last week, Comms. Sherman, Roberts and Matthews served on a BOI.
  - Draft Annual Report handed out tonight so you have 2 weeks to review and make comments at the next meeting.
  - Distributed motion from last night's Council meeting on posting of arrestee photos.
  - Boalt Police Review Project, in which students representing complainants at BOIs, is kicking off for this semester. Name change to Berkeley Police Review Project.
  - Two items from Councilmember Worthington relevant to PRC are being placed on the October 2 Council agenda.
  - Presentation by Sgt. Fomby on BPD de-escalation training. Most Commissioners can attend on Oct. 17 so will schedule for then.
- b. Prioritizing new agenda items (**discussion & action**)  
Not discussed.

## **7. CHIEF OF POLICE'S REPORT**

Lt. Files reported on behalf of Chief Greenwood:

- Current staffing at 159; injuries, leaves, etc. bring that to 130 available.
- New timesheet began this week.
- Recruitment/retention team started. Interviewed 28 people this week.
- Barbershop Forum this past Monday; 12 BPD staff attended.
- Dept. issued pink BPD patches for Breast Cancer Awareness month.
- Healthy food/vending machines installed.
- Body worn camera policy to be released to PRC by Friday, and training will start Oct. 22.
- Sgt. Melero is newly-assigned to IA, replacing Sgt. Cardoza.

## **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. Homeless Encampment Subcommittee – PRC Officer reported that issuance of revised rules and regulations are on hold pending the recent 9<sup>th</sup> Cir. decision. At Comm. Prichett's request, will ask which policies are being enforced in the meantime.
- b. Prioritizing Safety for Sex Workers Subcommittee – Comm. Ramsey would like volunteers by the first meeting in Oct. Has contacted the chair on the Comm. on

the Status of Women about “joint” meetings. Got some info from Chief re prostitution arrests (very low).

## 9. OLD BUSINESS (discussion & action)

- a. Consider revised “Guiding Principles” for PRC adoption and other ideas related to addressing BPD staffing shortage.

*Discussed; to be continued at the next meeting.*

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

**Motion to request all information from the body-worn camera manufacturer regarding the interaction between iPhones and body-worn cameras; and all information about how recordings made by officers on personal or department-issued devices are made and accounted for.**

Moved/Seconded (Prichett/Sherman)

**Substitute Motion to ask the Berkeley Police Department to supply, along with the Body-Worn Camera [BWC] policy, the operational specifications about how the BWCs and the iPhones work together, as well as any operating manuals and/or training instructions that officers are being given regarding how to operate and handle the BWCs and the iPhone.**

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

Ayes: Calavita, Matthews, Perezvelez, Prichett, Ramsey, Roberts, Sherman

Noes: None                      Abstain: None                      Absent: Allamby, Yampolsky

- c. Issues surrounding the BPD Response to Protests on August 5, 2018:
  - i. Request After-Action report created after the August 5 protests.

**Motion to request copies of the inventory forms that were required on Aug. 5 before and after the action, including those completed by mutual aid forces.**

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

Ayes: Calavita, Matthews, Prichett, Sherman

Noes: Perezvelez, Ramsey, Roberts      Abstain: None

Absent: Allamby, Yampolsky

- ii. Examination of issues, including: pre-emptive confiscation of sound truck near Ohlone Park, and other “de-escalation” strategies used.
  - iii. Review policies, including General Order P-29, Sec. 7, related to the release of mugshots and the decision to release this information.

*Some portions of this item 9.c. made moot by City Council action; other portions of this item discussed and to be continued to the next meeting.*

## 10. NEW BUSINESS (discussion & action)

- a. Lexipol Policies for review and approval:

I. Lexipol policies changed from General Order (G.O.)

Lexipol #	G.O.	Title
100	A-1	Law Enforcement Authority
103	P-18	Policy Manual
200	D-2, D-6, R-4, U-3	Organizational Structure and Responsibility
201	S-4	Special Orders
202	D-9	Emergency Management Plan
203	T-7	Training Policy
204	E-12	Electronic Mail
302	H-6, T&IB 247	Handcuffing
308	Council Res. 51,408-N.S.	Canines
310	D-5	Domestic Violence
311	S-6	Search and Seizure

*Discussed; to be continued at the next meeting.*

II. No change from General Order

Lexipol	G.O.	Title
206	R-37	Retiree Concealed Firearms
401	B-4	Racial or Bias-Based Profiling
414	A-18	Use of Narcan (Naloxone)
508	A-2	Crossing Guard
611	D-1	Licensed Liquor Establishments, Conduct of
706	V-11	Rescue Vehicle
802	P-65, P-66, P-67	Property and Evidence
810	P-33	Computer Voice Stress Examinations
811	P-10	Burial Permits – Emergency
903	T-2	Transportation of Prisoners
1002	P-15	Special and Temporary Duty Assignments, Application and Selection Procedures
1037	C-46	Attendance - Conferences and Meetings

**Motion to approve the recommendation of the Lexipol Policies Subcommittee regarding the “Group II” policies and forward them to the BPD.**

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

Ayes: Calavita, Matthews, Perezvelez, Ramsey, Roberts, Sherman.

Noes: None

Abstain: Prichett

Absent: Allamby, Yampolsky

III. "New" – no corresponding General Order

Lexipol #	Title
101	Chief Executive Officer
102	Oath of Office
205	Administrative Communications
309	Officer Response to Calls
334	Anti-Reproductive Rights Crimes Reporting
336	Mandatory School Employee Reporting
345	Native American Graves Protection and Repatriation
416	Emergency Utility Service
417	Aircraft Accidents
419	Obtaining Air Support
1009	Smoking and Tobacco Use
1011	Seat Belts
1017	Meal Periods and Breaks
1018	Lactation Break Policy
1019	Payroll Record Procedures
1023	Personal Appearance Standards
1027	Department Badges

**Motion to approve the recommendation of the Lexipol Policies Subcommittee regarding the "Group III" policies and forward them to the BPD.**

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

Ayes: Calavita, Matthews, Perezvelez, Ramsey, Roberts, Sherman

Noes: None

Abstain: Prichett

Absent: Allamby, Yampolsky

- b. The need for PRC to do outreach and what outreach efforts that the PRC might undertake.  
*(Item postponed to the next meeting.)*
- c. Amendment to Standing Rules to require that a commissioner must be present to be eligible to run for Chairperson or Vice-chairperson  
*(Item postponed to the next meeting.)*
- d. Understanding what laws and policies govern audio recording of traffic stops by BPD Officers.  
*(Item postponed to the next meeting.)*
- e. Consider commendation of Officer Stephanie Cole for her actions during a traffic stop involving a Berkeley Councilmember on July 19, 2018.

**Commissioner Sherman withdrew this item.**

- f. Issues surrounding Commissioners' communications using personal devices and accounts being subject to Public Records Act requests, including whether Commissioners may be assigned City email addresses for Commission business.  
*(Item postponed to the next meeting.)*
- g. Review requirements surrounding the preparation of After-Action Reports and whether release (or withholding) of such reports or parts thereof are compliant with the Public Records Act.  
*(Item postponed to the next meeting.)*
- h. Responsiveness of BPD management to PRC requests.  
*(Item postponed to the next meeting.)*

**11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

Attached

**12. PUBLIC COMMENT**

There were 3 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 will recess into closed session to discuss and take action on the following matter(s):

**13. REVIEW OF ADMINISTRATIVE LAW JUDGE'S DECISION IN CALOCA APPEAL OF COMPLAINT #2434**

***End of Closed Session***

**14. ANNOUNCEMENT OF CLOSED SESSION ACTION**

No action was taken.

**15. ADJOURNMENT**

**By general consent, the meeting was adjourned at 9:55 p.m.**