



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, October 10, 2018
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR MATTHEWS AT 7:06 P.M.

Present: Commissioner Sahana Matthews (Chair),
Commissioner George Perezvelez (Vice Chair) (arrived 7:25 p.m.)
Commissioner Gwen Allamby
Commissioner Andrea Prichett
Commissioner Ismail Ramsey
Commissioner Terry Roberts
Commissioner Ari Yampolsky

Absent: Commissioners Kitty Calavita, Michael Sherman.

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Lt. Angela Hawk, Sgt. Cesar Melero

2. APPROVAL OF AGENDA

With the following changes – the postponement of Items #10.d. and 9.c., and the combining of Items # 9.a. and 10.c. to be considered at the time certain of 8:00 p.m. – the agenda was approved by general consent.

3. PUBLIC COMMENT

There was 1 speaker.

4. APPROVAL OF MINUTES

The Regular Meeting Minutes of September 26, 2018, were approved by general consent.

5. CHAIR'S REPORT

Chair looks forward to a productive meeting.

6. PRC OFFICER'S REPORT

- a. Status of complaints: no new complaints filed since late June. Reminder of October 17 special PRC meeting for presentation of de-escalation training.
- b. Report on NACOLE (Nat'l Assoc. for Civilian Oversight of Law Enforcement) Conference. Comm. Allamby, PRC Officer Lee, and Comm. Perezvelez reported on their impressions of the conference, held Sept. 30 – Oct. 4 in St. Petersburg, Fla. Comm. Ramsey reported on his impressions of the IACP (Int'l Assoc. of Chiefs of Police) conference Oct. 6 – 9 in Orlando, Fla.
- c. Prioritizing new agenda items **(discussion & action)**
Not discussed.

7. CHIEF OF POLICE'S REPORT

Lt. Hawk reported on behalf of Chief Greenwood:

- Body-worn camera training to begin week of Oct. 22. A few officers have been doing a trial run.
- Staffing currently at 157 officers, which does not count those in academy and out on leave or injury.
- Lt. Hawk is currently in management school; her class has agencies from all over CA. A big topic is staffing.
- Recruitment team of 2 full- and 2-part-time staffers has begun it work though not yet fully up and running.

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 – still awaiting Council action on revised policies and answer to which policies are being enforced in the meantime.
- b. Prioritizing Safety for Sex Workers Subcommittee
Chair Matthews appointed public member Julie Leftwich and herself to this subcommittee (joining Commissioner Ramsey).

9. OLD BUSINESS (discussion & action)

- a. Review policy on use of body-worn cameras, including sufficiency of provisions on use of associated iPhone.
Combined with New Business Item #10.b., Presentation by and discussion with attorney Jim Chanin on body-worn camera policies

Motion to constitute a subcommittee to review the four areas of disagreement with the BPD on the BWC policy, and the iPhone issue. Friendly amendment: and any other new provisions that have been added.

Moved/Seconded (Ramsey/Prichett)

Motion withdrawn by Ramsey.

Motion to ask the PRC Officer to prepare an analysis comparing the BWC policy that the PRC developed in 2016 with the current proposed Lexipol policy, calling out the main policy choices and areas of disagreement; and agendizing the analysis for a full Commission meeting for its consideration.

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

Ayes: Allamby, Matthews, Perezvelez, Ramsey, Roberts, and Yampolsky.

Noes: Prichett Abstain: None Absent: Calavita, Sherman

b. Lexipol Policies for review and approval:

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

Motion to prohibit the use of spit hoods.

Moved (Prichett) Motion failed for lack of a second.

Motion to hold off on approval of Lexipol Policy #302 until he Police Department makes a presentation on the issue of the spit hoods.

Moved/Seconded (Ramsey/Yampolsky)

Friendly amendment: and have a health care or medical care provider make a presentation as well.

Moved by Yampolsky; accepted by Ramsey

Motion, as amended, Carried

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

Noes: None Abstain: Perezvelez, Ramsey Absent: Calavita, Sherman

Motion to send Lexipol Policy #308 back to the Lexipol Subcommittee for further consideration.

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

Ayes: Allamby, Matthews, Perezvelez, Prichett, Ramsey, Roberts, and Yampolsky.

Noes: None Abstain: None Absent: Calavita, Sherman

Motion to pass the above group of Lexipol Policies with the exception of #302 and #308 [#s 100, 103, 200, 201, 202, 203, 204, 310, and 311]

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

Ayes: Allamby, Matthews, Perezvelez, Prichett, Ramsey, Roberts, and Yampolsky.

Noes: None Abstain: None Absent: Calavita, Sherman

- c. Examination of issues surrounding the BPD Response to Protests on August 5, 2018, including pre-emptive confiscation of sound truck near Ohlone Park, and other “de-escalation” strategies used.
(Item postponed to the next meeting.)
- d. 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.)
- e. Whether any BPD policies or laws govern the BPD’s audio recording of their interactions with civilians without their knowledge.
(Item postponed to the next meeting.)
- 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.)
- i. The need for PRC to do outreach and what outreach efforts the PRC might undertake.
(Item postponed to the next meeting.)

10. NEW BUSINESS (discussion & action)

- a. Review and approval of 2017 PRC Annual Report.
(Item postponed to the next meeting.)
- b. Lexipol Policies for review and approval:

Lexipol #	G.O.	Title
312	I-15 (part), J-18 (part)	Temporary Custody of Juveniles
313	none	Adult Abuse
314	H-07	Discriminatory Harassment
315	C-08	Child Abuse

(Item postponed to the next meeting.)

- c. Presentation by and discussion with attorney Jim Chanin on body-worn camera policies
(Considered with Item #9.a. above.)
- d. Additional issue related to BPD response to protests on August 5, 2018: Helping BPD better understand the changing role of Black Bloc to Antifa in making protests safer, for purposes of BPD’s handling of future protests to ensure all participants are safe.
(Item postponed to the next meeting.)

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached

12. PUBLIC COMMENT

There was 1 speaker.

13. ADJOURNMENT

By general consent, the meeting was adjourned at 9:59 p.m.