



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, October 24, 2018
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER BY VICE-CHAIR PEREZVELEZ AT 7:06 P.M.; ROLL CALL BY CHAIR MATTHEWS

Present: Commissioner Sahana Matthews (Chair),
Commissioner George Perezvelez (Vice Chair)
Commissioner Gwen Allamby
Commissioner Kitty Calavita
Commissioner Andrea Prichett
Commissioner Terry Roberts
Commissioner Michael Sherman
Commissioner Ari Yampolsky

Absent: Commissioner Ismail Ramsey

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood, Sgt. Cesar Melero

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

3. PUBLIC COMMENT

There were 3 speakers.

4. APPROVAL OF MINUTES

The minutes of the October 10, 2018 regular meeting were approved by general consent.

5. CHAIR'S REPORT

No report.

6. PRC OFFICER'S REPORT

a. Status of complaints; other items.

-- No new complaints filed since June 29. Investigation of a complaint had been suspended pending resolution of the criminal case; case now closed and staff contacting complainant to see if he wishes to proceed.

-- Follow-up to last week's De-escalation Training presentation by Sgt. Fomby: pdf of PowerPoint was emailed; hard copy in next packet; link to Ms. Schwartz's video of presentation was emailed. Consider whether PRC would like the SRT presentation Sgt. Fomby offered.

-- Next PRC meeting is Nov. 14, three weeks from tonight. PRC meets once in November and once in December.

-- PRC Officer on vacation week of Nov. 5.

-- PRC's Annual WorkPlan is on the Oct. 30 City Council agenda as an information item.

-- Of the two recent referrals from Council, one agendaized for tonight (extending 120-day limit) and the other will be placed on future agenda.

b. Prioritizing new agenda items (**discussion & action**)

Not discussed.

7. CHIEF OF POLICE'S REPORT

Chief Greenwood reported:

-- Currently 161 officers; really 139 when accounting for officers in academy or on leave. New recruitment team fully in service.

-- Down 5 dispatchers; hiring 2 next week.

-- Swore in 3 officers last week -- 2 returning, 1 lateral hire.

-- Attended several conferences:

--NACOLE -- appreciated being invited to speak on a panel, conference was excellent, with interesting workshops.

-- Went to IACP with several officers and Comm. Ramsey. Massive conference with many workshops and classes.

-- Returned yesterday from Women Leaders in Law Enforcement conference sponsored by the Calif. Chief's Assoc. 900 attendees, mostly women. Good speakers and timely info.

-- Sent several people to conference last week on peer counseling, with emphasis on wellness and resilience. Issues of wellness/resilience in light of trauma experienced by officers and those they interact with is rising.

-- Training on body-worn cameras has begun; Chief to attend one. Acknowledge receipt of documents on the policy, incl. PRC Officer's Oct. 18 memo. In particular see how discretionary aspect of cessation of recording might need revising to better reflect intent: discretionary only in the circumstances listed.

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. Homeless Encampment Subcommittee
PRC Officer to follow up on inquiry to City Manager's Office about enforcement on homeless encampments.
- b. Prioritizing Safety for Sex Workers Subcommittee

Chair Matthews appointed Kitty Calavita to this subcommittee.

9. OLD BUSINESS (discussion & action)

- a. Review and approval of 2017 PRC Annual Report.

Motion to accept the 2017 PRC Annual Report, with the correction of typographical errors.

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

Ayes: Allamby, Calavita, Matthews, Perezvelez, Prichett, Roberts, Sherman, and Yampolsky.

Noes: None

Abstain: None

Absent: Ramsey

- b. Review Lexipol Policy 424 on use of body-worn cameras, including sufficiency of provisions on use of associated iPhone and outstanding concerns from April 2017. [Note: Policy number has changed to 425.]

Motion to recommend revising Lexipol Policy Section 425.13, 3rd paragraph, 1st sentence to read, following "unless exigent circumstances exist to warrant," "their use, such as the failure of the body-worn camera, or lack of capacity,"

Moved/Seconded (Calavita/Yampolsky)

Friendly amendment: And, in the same sentence, following "may not use," replace "personal owned recorders" with "recording devices other than the body-worn camera."

Moved by Yampolsky, accepted by Calavita.

Motion, as amended, carried

Ayes: Allamby, Calavita, Matthews, Perezvelez, Sherman, and Yampolsky.

Noes: None

Abstain: Prichett, Roberts

Absent: Ramsey

[Note: Revised sentence reads: Members may not use recording devices other than the body-worn camera (e.g. personal cell phone) to document contacts unless exigent circumstances exist to warrant their use, such as failure of the BWC or lack of capacity.]

Motion to recommend that Lexipol Policy Section 425.17.1 (a) be revised by adding, following “the BWC of the involved members(s),” “and any other recording device used to capture evidence of the incident”

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

Ayes: Allamby, Matthews, Prichett, and Roberts.

Noes: None Abstain: Calavita, Perezvelez, Yampolsky

Absent: Sherman, Ramsey

c. 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.)

d. Examination of issues surrounding the BPD Response to Protests on August 5, 2018, including:

- i. Pre-emptive confiscation of sound truck near Ohlone Park, and other “de-escalation” strategies used.
- ii. 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.)

e. 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.)

f. 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.)

g. 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.)

- h. 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.)

- i. Responsiveness of BPD management to PRC requests.

(Item postponed to the next meeting.)

- j. 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. October 2, 2018 referral from City Council regarding extending the time limit for investigations and notification of discipline from the current limit to one calendar year.

(Item postponed to the next meeting.)

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached

12. PUBLIC COMMENT

There were 3 speakers.

13. ADJOURNMENT

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