



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, November 14, 2018
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR MATTHEWS AT 7:07 P.M.

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

Absent: Commissioners Gwen Allamby, George Perezvelez

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Lt. Angela Hawk

2. APPROVAL OF AGENDA

With the postponement of Item #9.a. and moving of Item #9.d. to after the last item of Old Business, the agenda was approved by general consent.

3. PUBLIC COMMENT

There was 1 speaker.

4. APPROVAL OF MINUTES

a. Special Meeting of October 17, 2018

By general consent, the Special Meeting Minutes of October 17, 2018, were approved as written.

b. Regular Meeting of October 24, 2018

The Regular Meeting Minutes of October 24, 2018, were approved as written, by general consent, with Commissioner Ramsey abstaining.

5. CHAIR'S REPORT

-- Due to packed agenda, please be mindful of time.

6. PRC OFFICER'S REPORT

a. Status of complaints; other items.

-- A new complaint will probably be filed soon.

-- See handout for a training opportunity suggested by the BPA. If interested, inform PRC Officer.

-- Commissioners to think about whether they want the Chief to present the mid-year crime report. Was presented to Council at its Oct. 30 meeting.

b. Prioritizing new agenda items (discussion & action)

By general consent, the Commission agreed to have the PRC Officer: issue a survey to Commissioners for purposes of prioritizing tasks; and work with the Chair on a method for handling items that can be done quickly.

7. CHIEF OF POLICE'S REPORT

Lt. Hawk reported on behalf of Chief Greenwood:

-- Currently at 163 sworn; trending up. 24 of 28 dispatch positions filled. 3 laterals in background process. Going through list of entry-level applicants. Physical agility test to be given early Dec. In process of hiring CSOs and dispatchers.

-- BPD holding an Information Day Dec. 1. Typically for applicants but this one will be open to the public. Discuss each phase of the test, and can even try physical test.

-- Recruitment team on social media now (Instagram, Twitter). Working on hiring agency to do background checks to get those done faster. Heard several presentations from marketers to expand efforts; maybe online advertising.

-- Item on recruitment retention incentives being prepared for Council.

-- Body-worn cameras up and running; all officers have them.

-- Lt. Rolleri and Sgt. Speelman working with the Lexipol Subcommittee; Lt. Montgomery will work on the Subcomm. on Sex Worker Safety

-- Presentation on use of spit hoods by emergency responders is forthcoming.

-- Working on policy on how photos are booked into evidence and removed from the iPhone.

-- Preparing report on CPE recommendations – to be completed by March 31.

Lt. Hawk 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
Still awaiting response from City Manager's Office about current policy.
- b. Prioritizing Safety for Sex Workers Subcommittee
Will meet in December; no November meeting due to unavailability of key person in SF.

9. OLD BUSINESS (discussion & action)

- a. 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.)
- b. Continue review of Lexipol Policy 425 on use of body-worn cameras, including sufficiency of provisions on use of associated iPhone and outstanding concerns from April 2017.

Motion to recommend that the Chief delete item (d) from Lexipol Policy section 425.11, Cessation of Recording.

Moved/Seconded (Ramsey/Yampolsky)

Friendly amendment: Also, in the sentence "Decisions regarding the reason for muting or BWC deactivation should be documented," change "should" to "shall."

Moved by Roberts; Accepted by Ramsey and Yampolsky

Motion, as amended, Carried

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

Noes: None Abstain: None Absent: Allamby, Perezvelez

By general consent the Commission requested that the communication to the Chief should include research of other jurisdiction's policies and best practices; and cross reference other sections of the BWC policy that provide specific guidance when giving officers discretion to stop recording.

Motion to recommend, in the first sentence of Lexipol Policy section 425.11, deletion of the comma following "discretion" and the word "and" immediately following.

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

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

Noes: None Abstain: Prichett Absent: Allamby, Perezvelez

Motion to recommend deleting item (a) of Lexipol Policy section 425.11.
Moved/Seconded (Prichett/Calavita)

Substitute motion: to recommend adding, at the end of item (a) of Lexipol Policy section 425.11, “except during an ongoing investigation.”
Moved/Seconded (Calavita/Prichett); and then **motion withdrawn.**

Substitute motion: to recommend that “tactical” be removed from Lexipol Policy section 425.11.

Moved/Seconded (Roberts/Matthews) **Motion Failed**

Ayes: Matthews, Roberts

Noes: Prichett, Ramsey, Sherman, Yampolsky

Abstain: Calavita Absent: Allamby, Perezvelez

Vote on Original motion to recommend deleting item (a) of Lexipol Policy section 425.11.

Moved/Seconded (Prichett/Calavita) **Motion Failed**

Ayes: Calavita, Prichett, Sherman

Noes: Ramsey, Roberts, Yampolsky

Abstain: Matthews Absent: Allamby, Perezvelez

Motion to send the questions in Section III of the PRC Officer’s Oct. 18, 2018 memo to the Chief.

Moved/Seconded (Sherman/Matthews)

Friendly amendment: to request that the answers be contained in a written policy.

Moved by Calavita; accepted by Sherman and Matthews

Motion, as amended, Carried

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

Noes: None Abstain: None Absent: Allamby, Perezvelez

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.
From: Commissioner Prichett
 - 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.
From: Commissioner Sherman
(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 discussed and to be continued 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. 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.)
- 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 the creation of training requirements for Police Review Commissioners.
(Item postponed to the next meeting.)

- b. Amendment to Standing Rules, Section I, prohibiting a commissioner from nominating him or herself to run for Chair or Vice-Chair, due to conflict with Commissioners' Manual.
(Item postponed to the next meeting.)

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached

12. PUBLIC COMMENT

There were two 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. PRESENTATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2441

Motion to reject staff's recommendation to administratively close Complaint #2441, and ask staff to contact complainant's public defender for contact information, and confirm that phone messages are being left with complainant.

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

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

Noes: None Abstain: None Absent: Allamby, Perezvelez

End of Closed Session

14. ANNOUNCEMENT OF CLOSED SESSION ACTION

The passage of the motion to reject staff's recommendation, with request to staff, was announced.

15. ADJOURNMENT

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