



Police Review Commission (PRC)

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

**Wednesday, January 23, 2019**  
**7:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

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

Present: Commissioner Sahana Matthews (Chair)  
Commissioner George Perezvelez (Vice Chair)  
Commissioner Gwen Allamby  
Commissioner Elisa Mikiten  
Commissioner Andrea Prichett  
Commissioner Terry Roberts  
Commissioner Ari Yampolsky

Absent: Commissioners Kitty Calavita, Ismail Ramsey

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Lt. Kevin Reece, Sgt. Cesar Melero

**2. APPROVAL OF AGENDA**

**With the consolidation of Item #9.b. and #9.f., the agenda was approved by general consent.**

**3. PUBLIC COMMENT**

There were 3 speakers

**4. APPROVAL OF MINUTES**

**Motion to approve Regular Meeting Minutes of January 9, 2019**

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

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

Noes: None

Abstain: None

Absent: Calavita, Ramsey

## **5. CHAIR'S REPORT**

The Chair thanked the Commission and public for allowing her to serve as Chair.

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

-- Status of complaints: shows 4 complaints filed in December and one in January. Complainant in #2445 filed with IA two months before coming to PRC, so 120 days won't be met in that case.

-- Handouts include updated "Significant Laws and Court Cases," long and short versions. Replace those in commissioner orientation binder. Revised to reflect changes in types of police personnel records that are newly disclosable under SB 1421.

-- Handouts include article from Berkeleyside on City's disclosures under SB 1421. City Attorney does not consider retroactivity of the law to be a settled question and will continue to do research and monitor the ongoing litigation. State Attorney General has issued an order to law enforcement agencies not to destroy any records.

-- NACOLE Regional Forum has been set for Friday, May 3. PRC Officer can look into whether might be able to change to a Saturday date.

-- Next PRC meeting in 3 weeks, February 13.

-- Reporting, in accordance with the PRC Regulations, that Complaint #2443 went to mediation and that it concluded.

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

Lt. Reece spoke on behalf of the Chief, who had nothing new to report.

Questions:

-- Has BPD changed any of its retention policies concerning personnel records? No.

-- Is the BPD aware of the Attorney General's directive? Internal Affairs has received that directive and is abiding by it.

## **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. Prioritizing Safety for Sex Workers Subcommittee – Subcomm. Chair to notify PRC Officer when ready to schedule next meeting.

b. Lexipol Policies Subcommittee – Met on Jan. 14. PRC Officer to coordinate scheduling of next meeting. Additional policies may be ready to bring to full Commission.

**9. OLD BUSINESS (discussion & action)**

- a. Continue review of Lexipol Policy 425 on use of body-worn cameras, including sufficiency of provisions on use of associated iPhone, especially facial recognition capabilities; new issues arising after April 2017.

**Motion to amend Section 425.5 to require that verbal notification be given to anyone who is obviously visually impaired and cannot see the presence of a BWC.**

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

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

Noes: None

Abstain: None

Absent: Calavita, Ramsey

**Motion to move on from discussion of Section 425.6**

Moved by Mikiten and then withdrawn.

**Motion to add, in Section 425.6, “any in-custody death” to the circumstances in which the on-scene supervisor shall take immediate physical custody of an involved officer’s BWC.**

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

Ayes: Matthews, Perezvelez, Prichett, and Roberts

Noes: Allamby, Mikiten, Yampolsky

Abstain: None

Absent: Calavita, Ramsey

**By general consent the Commission asked the PRC Officer to ask the Chief why language that appeared in draft policy Section 450.7 requiring notification of a supervisor if an officer believes a recorded contact may be beneficial in a non-criminal matter, is not included in current Section 425.14.**

**By general consent the Commission asked the PRC Officer to get clarification on release of BWC footage to NCRIC under law enforcement sharing in Section 425.18.**

- b. Responsiveness of BPD management to PRC requests; and Item 9.f. 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.

From: Commissioner Prichett

**Motion to table this item.**

Moved/Seconded (Mikiten/Yampolsky)

**Substitute motion that the Commission will make records requests as a group, and only approved records requests by the group will be sent to the BPD; the PRC secretary will keep a list of all requests, as well as a list of BPD requests to the PRC.**

Moved/Seconded (Mikiten/Roberts)

**The maker of the motions withdrew them, and by general consent this item was postponed until the next meeting.**

- c. October 2, 2018 referral from City Council regarding the creation of training requirements for Police Review Commissioners.  
(*Heard following Item #10.d.*)

**Motion to have PRC staff prepare a memo that describes the commissioner orientation and do a one-hour review of that presentation each year; to have BPA do one orientation for commissioners per year; to have each commissioner do a ride-along; to include these requirements in the Commissioner's Manual; and to undergo additional training at Chair's discretion.**

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

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

Noes: None

Abstain: Prichett

Absent: Calavita, Ramsey

#### **10. NEW BUSINESS (discussion & action)**

- a. Decide whether to review the degree to which BPD has followed its crowd control and crowd management policies, and whether they are adequate to assist BPD officers in preventing unnecessary conflict in crowd-related situations.

From: Commissioner Prichett

(*Heard following Item #9.b.*)

**Motion to identify de-escalation techniques within the BPD's policies and procedures, including General Orders, and review whether those techniques are being used in crowd control situations.**

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

Ayes: Prichett    Noes: Allamby, Matthews, Mikiten, Perezvelez, Roberts, and Yampolsky.

Abstain: None

Absent: Calavita, Ramsey

- b. Decide whether to review the delivery of mental health services, including the role of the BPD in responding to crises involving people with mental health disabilities, and whether BPD's participation impacts the situation in the most sensible way and so the best outcome is reached.

From: Commissioner Prichett

**Following discussion, by general consent this item was postponed to the next meeting to consider a revised proposal.**

- c. Amend the Standing Rules to limit the number of items placed on agenda by a single commissioner.

From: Commissioner Allamby

**Motion to amend standing rules to provide that each commissioner may place only one item on an agenda per meeting, and only after prior items on the agenda from that commissioner have cleared; and that if the Commission decides to move forward with a commissioner's item, it will be considered the Commission's item, not the individual commissioner's.**  
Moved/Seconded (Perezvelez/Allamby)

**Friendly amendment: that this procedure will be reviewed after six months.**  
Moved by Yampolsky; accepted by Perezvelez and Allamby

**Motion, as amended, carried**

Ayes: Allamby, Matthews, Mikiten, Perezvelez, Roberts, and Yampolsky.  
Noes: Prichett                      Abstain: None                      Absent: Calavita, Ramsey

- d. Election of Commission Chairperson and Vice-chairperson for 2019.

**Motion to nominate George Perezvelez for PRC Chairperson**

Moved/Seconded (Prichett/Roberts)

**As there were no other nominations, Commissioner Perezvelez was elected by acclamation.**

**Motion to nominate Gwen Allamby for PRC Vice-Chairperson**

Moved/Seconded (Mikiten/Roberts)

**Motion to nominate Terry Roberts for PRC Vice-Chairperson**

Moved by Prichett; declined by Roberts.

**As there were no competing nominations, Commissioner Allamby was elected by acclamation.**

## **11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

Attached

## **12. PUBLIC COMMENT**

*(Heard following Item #9.c.)*

There were 2 speakers.

## **13. ADJOURNMENT**

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