

Police Review Commission (PRC)

**POLICE REVIEW COMMISSION
REGULAR MEETING
AGENDA**

**Wednesday, April 10, 2019
7:00 P.M.**

**South Berkeley Senior Center
2939 Ellis Street, Berkeley**

- 1. CALL TO ORDER & ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. PUBLIC COMMENT**

(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers. They may comment on items on the agenda or any matter within the PRC's jurisdiction at this time.)

- 4. APPROVAL OF MINUTES**
Regular Meeting of March 27, 2019

- 5. CHAIR'S REPORT**

- 6. PRC OFFICER'S REPORT**
Status of complaints, other items.

- 7. 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. Lexipol Policies Subcommittee
- b. MOU Compendium Subcommittee

8. OLD BUSINESS (discussion & action)

- a. Whether the “clear and convincing” standard is the appropriate standard to be used in PRC Boards of Inquiry – update from PRC Officer regarding whether meet-and-confer is occurring or has occurred on this issue.
(See materials on pp. 33 – 51 of the March 13, 2019 agenda packet.)

9. NEW BUSINESS (discussion & action)

- a. Review, amend, and approve questions to ask of BPD and City Mental Health staff about their response to mental health emergencies.
From: Commission
- b. Approve presentation of certificate of appreciation to Ari Yampolsky and empower Chair to work with PRC Officer on wording.
From: PRC Officer
- c. Consider revising the charge of the Lexipol Subcommittee
From: Commissioner Perezvelez

10. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached


11. PUBLIC COMMENT

(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on the agenda at this time.)

12. ADJOURNMENT

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SB 343 Disclaimer

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Contact the Police Review Commission at (510) 981-4950 or prc@cityofberkeley.info.

PRC REGULAR MEETING ATTACHMENTS

April 10, 2019

MINUTES

March 27, 2019 Regular Meeting Draft Minutes Page 7

AGENDA-RELATED

Item 9.a. – Police Participation in Emergency Mental Health Response. Questions from Comm. Prichett. Page 11

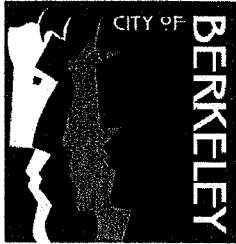
Item 9.a. – 4-24-14 Email from former Comm. Rogers, 10 Questions re: Mental Health Issues. Page 13

Item 9.c. – Action at May 23, 2018 meeting establishing the Lexipol Policies Subcommittee. Page 15

COMMUNICATION(S)

March 29, 2019 memo to the Chief of Police from PRC Chair re PRC's recommendations on Lexipol Policy 425, Body Worn Cameras. Page 17

April 4, 2019 memo to the Chief of Police from PRC Officer re Police Review Commission recommendation to revise Lexipol 318 to protect sex workers. Page 23



Police Review Commission (PRC)

DRAFT

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

**Wednesday, March 27, 2019
7:00 P.M.**

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR PEREZVELEZ AT 7:09 P.M.

Present: Commissioner George Perezvelez (Chair)
Commissioner Gwen Allamby (Vice-Chair)
Commissioner Elisa Mikiten
Commissioner Andrea Prichett
Commissioner Ismail Ramsey
Commissioner Terry Roberts
Commissioner Mary Kay Lacey (*temporary*)

Absent: Commissioners Kitty Calavita, Sahana Matthews, Ari Yampolsky

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood (left 8:55 p.m.), Lt. Dave Lindenau, Sgt. Cesar Melero

2. APPROVAL OF AGENDA

Motion to approve the agenda

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

Ayes: Allamby, Mikiten, Perezvelez, Prichett, Ramsey, Roberts, Lacey.

Noes: None Abstain: None Absent: Calavita, Matthews, Yampolsky

3. PUBLIC COMMENT

There was 1 speaker.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of March 13, 2019

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

Ayes: Allamby, Mikiten, Perezvelez, Prichett, Ramsey, Roberts.

Noes: None Abstain: Lacey Absent: Calavita, Matthews, Yampolsky

5. CHAIR'S REPORT

No report.

6. PRC OFFICER'S REPORT

-- One new complaint filed since the last meeting, but it involved Oakland police and was therefore rejected.

-- BOI hearing service – list of Commissioners' service for 2018 and 2019 to date was distributed. If cannot get enough commissioners for a BOI, will not make the 120-day disciplinary deadline.

-- NACOLE regional conference kick-off event April 5, 5:30 – 7:30 p.m. at Drexl in Oakland. RSVP to the PRC Officer.

-- Juneteenth will be Sunday, June 16 this year. Think about having a PRC booth; requires commissioners to staff.

7. 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. Lexipol Policies Subcommittee

Chair Perezvelez reported: Met today. Discussing use of "should" v. "shall." Original intent of subcommittee was to see whether any substantive changes are made in the conversion of General Orders to Lexipol. Looking into any substantive changes themselves is a separate inquiry. Will agendize re-examination of Subcommittee's charge.

The Chair appointed Terry Roberts to this Subcommittee.

b. MOU Compendium Subcommittee

Chair Perezvelez reported: Final questions and language have been sent to Chief; will set a meeting after hearing back from BPD.

8. PRESENTATION OF POLICE DEPARTMENT 2018 ANNUAL CRIME REPORT

-- Chief's report: Currently at 164 sworn. 3 people graduating from field training soon. Academy graduation in May.

-- Domestic violence Detective Bledsoe attended a Comm. on the Status of Women meeting at their invitation to talk about how BPD responds to domestic violence calls.

-- The City Attorney continues to work on SB 1421 responses. Another round of notifications to officers just went out.

-- Recent retirements: Lt. Angela Hawk, Ofc. Rich Marin, Ofc. Victor Martinez.

-- Recruitment: Have retained outside vendor for background investigations.

Recruitment team continues to be active; attending various fairs. A graphic he saw

shows applications for public sector jobs nationally has gone down in all categories the past few years, but in law enforcement it is down the most, 63%.

-- Crime report: The Chief presented the 2018 Annual Crime Report and answered questions from Commissioners.

9. OLD BUSINESS (discussion & action)

- a. Whether the "clear and convincing" standard is the appropriate standard to be used in PRC Boards of Inquiry – update from PRC Officer regarding whether meet-and-confer is occurring or has occurred on this issue.

PRC Officer has no update yet; item continued to the next meeting.

10. NEW BUSINESS (discussion & action)

- a. i) Consider recommendation from Prioritizing Safety for Sex Workers Subcommittee to amend Lexipol Policy 318, Victim and Witness Assistance, to protect sex workers from prosecution for certain offenses when such workers are the victim of or witness to sexual assault or other specified violent crimes.

Motion to adopt the proposed amendment to Lexipol Policy 318, as corrected (add the section heading "Prioritizing Safety for Sex Workers," and change "include" to "including") by placing the first sentence, with the addition of "Further" at the beginning, into section 318.1; and deleting "Accordingly" from the second sentence, so the first sentence of new section 318.3.2 begins with "Officers . . ."

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

Ayes: Allamby, Mikiten, Perezvelez, Prichett, Ramsey, Roberts, and Lacey.

Noes: None Abstain: None Absent: Calavita, Matthews Yampolsky

- ii) Dissolve Prioritizing Safety for Sex Workers Subcommittee

Motion to dissolve the Prioritizing Safety for Sex Workers Subcommittee.

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

Ayes: Allamby, Mikiten, Perezvelez, Prichett, Ramsey, Roberts, and Lacey.

Noes: None Abstain: None Absent: Calavita, Matthews, Yampolsky

- b. Review commendations of BPD personnel July 2018 to January 2019.

Original motion: to accept all commendations as a group.

Moved/Seconded (Mikiten/Perezvelez)

Substitute motion: to accept the commendations packet as a whole except for those on pages 14, 27, and 39.

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

Ayes: Allamby, Prichett, Ramsey

Noes: Mikiten, Perezvelez, Roberts, and Lacey.

Abstain: None

Absent: Calavita, Matthews Yampolsky

Vote on **original motion – Motion Carried**

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

Absent: Calavita,

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached

12. PUBLIC COMMENT

There was 1 speaker.

Closed Session

13. PETITION FOR REHEARING

Motion to deny the complainant's Petition for Rehearing in Complaint #2446.

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

Ayes: Mikiten, Ramsey, Roberts, and Lacey.

Noes: Allamby Abstain: Perezvelez, Prichett

Absent: Calavita, Matthews, Yampolsky

End of Closed Session

14. ANNOUNCEMENT OF CLOSED SESSION ACTION

The vote taken in closed session to deny the complainant's petition was announced.

15. ADJOURNMENT

By general consent, the meeting was adjourned at 11:00 p.m.

POLICE PARTICIPATION IN EMERGENCY MENTAL HEALTH RESPONSE

Questions for an Inquiry

(Comm.Prichett 2/13/19)

REQUEST FOR INFORMATION

1. What is the current level of participation by BPD in calls involving people with mental health disabilities? How many calls are received annually, how many does BPD respond to and what are the different types of calls?
2. What percentage of calls involve a serious threat to the health or safety of the subject person or others? How many of these individuals are "frequent flyers" who do not really pose a threat to the community but who do require a greater amount of service?
3. How are calls for assistance evaluated and who does this initial assessment of what is needed? Is there any way that a person can access advice or emergency mental health services that doesn't activate an automatic police response?
4. What is the training that informs officers about how calls involving mentally ill individuals should be responded to? Who directs the situation and which is the lead agency? In what calls will the mental health professional direct the response and police provide back up assistance? At what point should or do police become the lead responders?
5. How are calls related to mental health issues documented and to whom are they reported? Are other agencies involved?
6. What additional services will the individual receive once they are taken into custody and how will they be referred for service? Are mentally ill people taken to jail? What happens then?
7. How are the protocols that police practice different from those of a non-police emergency responder? At what point is the officer considered to be a "caregiver" and non-punitive consequences are employed?

Lee, Katherine

From: Ann Rogers [annrogersplus2@gmail.com]
Sent: Thursday, April 24, 2014 12:22 PM
To: Lee, Katherine; Norris, Byron
Subject: 10 Questions re: Mental Health Issues

Hi Ms. Lee,

As you can see, I do have a number (!) of questions although many may actually already be on your list. My questions have to do with (a.) how the various agencies co-ordinate together, (b.) coverage during hours the services are most needed and (c.) areas where there are holes to look at for future improvement.

Regards,
Ann Rogers

PS: thank you for the warm welcome back!

- 1.) What is the educational, training and experience level of those (personnel of all agencies sending staff to the scene) dealing directly with persons in crisis?
- 2.) What is the staffing level of each entity?
 - . Hours of work and availability/work schedule?
 - . How many respond to a scene from
 - . CMHD (City Mental Health Division)
 - . BPD CI (Crisis Intervention)
 - . BPD
 - . Do field personnel have office backup/persons available by phone for consult?
 - . Are consultants always available? If not, when are they unavailable?
- 3.) When do most crises and crisis calls occur? Please address:
 - . Time of day & day of the week
 - . Month and time of the year
 - . Weather and other defining events
- 4.) How are agencies contacted, who notifies them to show up, and at what stage in the process starting with the initial call are they contacted?
- 5.) What is the on-scene role of
 - . CMHD (City Mental Health Division)
 - . BPD CIT (Crisis Intervention Team)
 - . BPD
- 6.) Who takes the lead in beginning to handle the response?
 - . Who makes that determination?
 - . If there is disagreement, how is it resolved?
- 7.) Who takes the lead in disposition of the issue, whether to take custody, hospitalize, leave the scene?
 - . Who makes the determination?
 - . If there is disagreement, how is it resolved?
- 8.) How many injuries (if any) are suffered during the response?
 - . Who - the citizen, CMHD, CI, BPD, others

- . Type/kind of injury
- . # of responders' missed work days (I assume there would be no data on the citizen)

9.) Is there follow-up among the involved responders after the crisis?

- . Who - when - how?
- . Is a report, made are data kept?
- . Who has access to the data?

10.) Is there follow-up among the involved responder agencies after the crisis?

- . Who - when - how?
- . Is a report made, are data kept?
- . Whoa has access to the data?

10. OLD BUSINESS (discussion & action)

- a. Establish subcommittee or other means to review and make recommendations on Lexipol policies from BPD.

Motion to create a subcommittee to review, evaluate, compare and make recommendations for amendment, adoption, or rejection of all general orders that BPD is reviewing in light of Lexipol, to include whether use of the Lexipol service by BPD is warranted.

Moved/Seconded (Ramsey/Ritchie) **Motion Carried Unanimously**

Ayes: Allamby, Calavita, Perezvelez, Prichett, Ramsey, Roberts, Yampolsky, Ritchie, and Price.

Noes: None Abstain: None Absent: Matthews, Sherman

Commissioners Ramsey, Perezvelez, and Yampolsky were appointed to the subcommittee.

- b. Proposed "Guiding Principles" for PRC adoption and other ideas related to addressing BPD staffing shortage.

(This item was tabled to the next meeting.)

- c. Assess BPD's After-Action reporting and response to Public Records Act Request.

Motion to direct the Chair to work with staff to send a letter to the Chief and the City Manager requesting the After Action Report of 2-18-18 relating to the police action at 2134 Martin Luther King Jr. Way.

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

Ayes: Allamby, Calavita, Perezvelez, Prichett, Roberts, and Ritchie

Noes: Price, Ramsey, and Yampolsky

Abstain: None

Absent: Matthews and Sherman

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

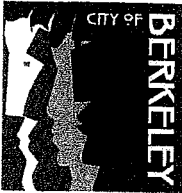
Attached.

12. PUBLIC COMMENT

There were 3 speakers.

13. ADJOURNMENT

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



Police Review Commission

March 29, 2019

To: Andrew Greenwood, Chief of Police
From: George Perezvelez, Chairperson, Police Review Commission
Re: PRC's recommendations on Lexipol Policy 425, Body Worn Cameras

Over the course of several months, the Police Review Commission reviewed Lexipol Policy 425, governing the use of Body-Worn Cameras (BWCs), which was originally issued on September 28, 2018, and revised on January 31, 2019. The Commission appreciates the BWC and iPhone demonstration your staff gave, and your continued engagement with the PRC as it sought to understand the operation of the equipment and basis for some of the policy decisions.

Following are all of the Commission's Body Worn Camera policy recommendations made over those months, which it voted at its February 27, 2019 meeting to forward on to you. While you have stated your intent not to further revise this policy until your officers have achieved a certain amount of real-life experience with actual deployment of the cameras, the PRC hopes that you will give these recommendations your serious consideration. The PRC is also open to discussion about any of these suggestions.

Section 425.5 Member Responsibilities

Add a sentence to the second paragraph to require that verbal notification be given to anyone who is obviously visually impaired and cannot see the presence of a BWC, that the BWC is recording.

Section 425.6 Supervisor Responsibilities

In the first sentence, add, "in any in-custody death" to the circumstances in which the on-scene supervisor shall take immediate physical custody of an involved officer's BWC.

Section 425.11 Cessation of Recording

Delete Item (d):

~~(d) In the member's judgment a recording would interfere with his or her ability to conduct an investigation.~~

Section 425.13 Prohibited Use of Body Worn Cameras

Revise the third paragraph, first sentence, to read:

Members may not use personally owned recorders recording devices in lieu of the body-worn camera (e.g. personal cell phone) to document contacts unless exigent circumstances exist to warrant the use of personally owned recording devices their use, such as failure of the BWC or lack of capacity.

Section 425.17 Review of Recordings By a Member

Revise first sentence of subsection (a) of Section 425.17.1 Officer Involved Incidents Resulting in Grave Bodily Injury or Death, to read:

In the event of a critical incident that results in grave bodily injury or death, including an officer-involved shooting or an in-custody death, the BWC of the of the involved member(s) and any other recording device used to capture evidence of the incident shall be taken from him or her and secured by a supervisor, commander, or appropriate investigator, as necessary.

Additionally, the Commission voted that when communicating its recommendations regarding Cessation of Recording (Section 425.11) to you, that research on nearby jurisdictions' policies on cessation be included. That research is attached.

Thank you for considering these recommendations, and do not hesitate to let us know if you have any questions about them.

Attachment
cc: PRC Commissioners

When cessation of BWC recording is allowed (or mandated), among the police departments of Berkeley, BART, Hayward, Oakland, San Jose, and San Francisco.

All except BPD	When the event giving rise to the activation has concluded (or officer has left the scene).
BPD, HAY	For privacy concerns, generally (privacy concerns outweigh any legitimate law enforcement interest in recording). (BPD 425.8)
	<i>Specific privacy concerns:</i>
SF, HAY, OAK, BPD	-- interviewing sexual assault or child abuse victims (In BPD 425.8(b), discretion to record. In HAY, discretion to deactivate. In SF & OAK, do not activate.)
HAY, OAK, SF	-- hospital/patient confidentiality
BPD	-- conversation bt. person in custody and their attorney, religious advisor, or physician
SJ, BPD	-- conversation bt. officer and person in privileged relationship (spouse, attorney, police peer counselor, labor rep, minister, e.g.)
OAK, SJ, BPD	On a perimeter: and unlikely to have an encounter with a suspect (OAK, SJ)); or direct participation complete and not actively part of investigation (BPD).
SF, HAY, OAK, SJ, BPD	Discussing tactical and/or law enforcement information with other law enforcement personnel. Sometimes modified by "when away from civilian" or when info is "sensitive."
SF, OAK, BPD	When engaging with confidential informant or undercover operative. (BPD 425.8(c) and SF "shall not activate.")
SF, BPD	Where recording would inhibit information gathering efforts from witnesses or community members (SF); When recording would interfere with ability to conduct investigation (BPD).
SF, OAK	On the order of a higher ranking officer.
HAY, BPD	In presence of explosive device. (BPD 425.12)
SJ	Use reasonable judgment in determining when to deactivate.
OAK	At termination of a pursuit and in compliance with other applicable policies.

Language regarding cessation of BWC recording from BART, Hayward, Oakland, San Francisco, and San Jose Police Department policies.

BART Policy 451

451.6 AXON CAMERA OPERATING PROCEDURES

- (b) Once the AXON camera is activated pursuant to Section 451.5 of this policy, it shall remain on until the event giving rise to the activation has reached a conclusion and/or the officer leaves the scene of the event, whichever occurs first. Officers shall record further interaction with suspects, including searching, processing, transporting, and booking. Any exceptions will be documented in the police report and reported to a supervisor. When the officer reasonably believes the event giving rise to the activation is over, he/she may deactivate the AXON camera from the recording mode. If the event giving rise to the activation resumes following the officer's termination of the AXON camera recording the officer shall reactivate their AXON camera.

HAYWARD Policy 425

425.7 REQUIRED ACTIVATION

...

Members shall remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording shall be considered using this same criterion. Recording shall resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

Other than at the conclusion of the contact or investigation, personnel may deactivate in places where there is a reasonable expectation of privacy or in circumstances where the audio recorder or camera may prevent them from obtaining information in relation to an investigation. Instances where personnel may deactivate include, but are not limited to:

- (a) During interviews involving sexual assault victims,
- (b) In the presence of an explosive device,
- (c) Inside hospital emergency rooms and other medical facilities,
- (d) In tactical planning situations;
- (e) While in a police facility.

OAKLAND Dept. General Order I-15.1

II. PDRD [Portable Digital Recording Device] ACTIVATION AND DE-ACTIVATION

D. De-activation of the PDRD

1. Members shall not de-activate their PDRD, when it was activated as required by this policy, until one of the following occurs:
 - a. Their involvement in the citizen contact, arrest or detention has concluded or becomes a hospital guard (see part II, C, 4 above);
 - b. They receive an order from a higher ranking member;
 - c. They are discussing administrative, tactical or law enforcement sensitive information away from the citizen;
 - d. They are at a location where they are not likely to have interaction or a chance encounter with the suspect (e.g. outer perimeter post, traffic control post, etc.);
 - e. The searches requiring activation as enumerated in Part II, A have concluded and the member believes they will have no further interaction with the person;
 - f. They reasonably believe the recording at a hospital may compromise patient confidentiality;
 - g. A pursuit has been terminated and the member performs the required actions, as specified in DGO J-4, or notifies Communications they are in-service; or
 - h. They are interviewing an informant for the purpose of gathering intelligence. At the conclusion of the interview, the PDRD shall be re-activated until no longer required by policy.
 - i. They are meeting with an undercover officer. At the conclusion of the meeting, the PDRD shall be re-activated until no longer required by policy.

After a member de-activates their PDRD, it is their responsibility to ensure they re-activate their PDRD should the circumstances require it.

E. Discretionary Activation and De-Activation

Members, when not prohibited from or required to activate their PDRD, may use their own discretion when deciding to activate and de-activate the PDRD.

SAN FRANCISCO DGO 10.11

E. Terminations of Recordings.

Once the BWC has been activated, members shall continue using the BWC until their involvement in the event has concluded to ensure the integrity of the recording, unless the contact moves into an area restricted by this policy. Members shall deactivate the BWC in the following circumstances:

1. When discussing sensitive tactical or law enforcement information away from the citizen
2. After receiving an order from a higher ranking member
3. When recording at a hospital would compromise patient confidentiality

4. When gathering information from witnesses or community members, and the officer has a reasonable and articulable concern that a BWC would inhibit information gathering efforts

In cases when a member deactivates a BWC, the member shall document the reason(s) for deactivation as outlined in Section III, G, Documentation.

SAN JOSE Police Dept. Body Worn Camera Policy

6. When to Deactivate

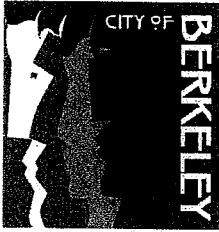
Body-worn camera recordings shall not be intentionally terminated until the conclusion of the encounter, except for tactical or safety reasons, or the encounter no longer holds evidentiary or investigative value.

Anytime the recording is terminated prior to the end of the encounter, the reason(s) should be documented both on the body-worn camera recording before deactivation and in the subsequent police report. If no police report is filed for the recorded encounter, then the reason(s) for the early termination should be recorded on the citation, CAD event or Street Check.

Officers will use reasonable judgment in determining when to deactivate the body-worn camera, such as when the purpose for activation is no longer present. (Example: An officer is assigned to an outer perimeter position for an extended period of time and has no verbal or visual contact with involved parties.) (Example: Officers have secured a prisoner and are completing paperwork outside the presence of the prisoner, unless the prisoner is combative, agitated or otherwise uncooperative.)

Keeping in mind that static situations may change rapidly, officers need to recognize it may be necessary to re-activate their body-worn camera unexpectedly. (Example: Officers are assigned to an outer perimeter position with their cameras turned off, and a suspect exits the residence to surrender or run from police.)

Officers shall deactivate the body-worn camera when engaged in conversations with individuals with whom the officer is in a privileged relationship (e.g. spouse, attorney, police peer counselor, labor representative, minister, etc.) Officers will verbally indicate why the body-worn camera is being deactivated and will reactivate the body-worn camera at the conclusion of the private conversation if the need for recording the police encounter or investigation still exists.



Police Review Commission

April 4, 2019

To: Chief Andrew Greenwood
From: Katherine J. Lee, Police Review Commission Officer
Re: Police Review Commission recommendation to revise Lexipol 318 to protect sex workers

At its March 27, 2019 meeting, the Police Review Commission voted unanimously to recommend an amendment to Lexipol Policy 318, Victim and Witness Assistance. The proposed additions are intended to protect sex workers from arrest for certain offenses when they report that they are the victim or witness of a sexual assault or other violent crime.

This recommendation originated from the PRC's Subcommittee on Prioritizing Safety for Sex Workers, composed of Commissioners Ramsey (Chair), Calavita, and Matthews, and public member Julie Leftwich. Thank you for having Lt. Montgomery attend the subcommittee meetings to offer information and input.

The proposed additions to Lexipol Policy 318 are as follows:

Add, to Section 318.1, "Purpose and Scope":

Further, this policy formalizes the Department's existing prioritization of violent-crime investigations and aims to ensure persons engaged in sex work and other forms of sex trade, including trafficked persons, feel safe to report that they have been the victim of a violent crime.

Add a new Section 318.3.2, to be entitled, "Prioritizing Safety for Sex Workers," to read:

Officers will not arrest persons for offenses, including California Penal Code sections 647(a), 647(b), 653.22, 372 and misdemeanor drug offenses, when a person is the victim or witness of a sexual assault, human trafficking, stalking, robbery, assault, kidnapping, threats, blackmail, extortion, burglary or other violent crime.

It is my understanding that that your department is amenable to these amendments, so we hope to see them incorporated into Lexipol 318 as soon as practicable. Please advise, however, if there are any concerns about this.

cc: Police Review Commissioners

