



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, May 22, 2019
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

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

Present: Commissioner George Perezvelez (Chair)
Commissioner Gwen Allamby (Vice Chair)
Commissioner Kitty Calavita
Commissioner LaMonte Earnest (left 9:50 p.m.)
Commissioner Elisa Mikiten
Commissioner Ismail Ramsey
Commissioner Terry Roberts

Absent: Commissioner Sahana Matthews

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andrew Greenwood, Capt. Rico Rolleri (left 9:25 p.m.), Lt. Dave Lindenau, Sgt. Cesar Melero

2. APPROVAL OF AGENDA

Motion to approve the agenda with the postponement of Item #9.a. to the next meeting.

Moved/Second (Calavita/Allamby) **Motion Carried**

Ayes: Allamby, Calavita, Earnest, Mikiten, Perezvelez, Ramsey, and Roberts.

Noes: None

Abstain: None

Absent: Matthews

3. PUBLIC COMMENT

There were 6 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes Draft of May 8, 2019

Moved/Second (Mikiten/Calavita) **Motion Carried**

Ayes: Allamby, Calavita, Earnest, Mikiten, Perezvelez, Ramsey, and Roberts.

Noes: None

Abstain: None

Absent: Matthews

5. CHAIR'S REPORT

None

6. PRC OFFICER'S REPORT

Status of complaints; other items.

-- David White was introduced; he is the newly-hired Deputy City Manager. He said a few words about himself, his professional background, and current responsibilities.

-- No new complaints filed since January. A BOI was held on May 14 in which Commissioners Perezvelez, Calavita, and Ramsey served. PRC staff have completed compiling the administrative record, one step in the Caloca appeal.

-- Confirming that in the meet-and-confer between the City and the BPA over the Charter amendment, the issues of changing the current "clear and convincing" standard, and the 120-day limit on discipline, are being discussed.

-- PRC Officer will coordinate hours of staffing the Juneteenth Festival table among the 5 commissioners who volunteered; aiming for 1-1/2 to 2-hour shifts.

-- Three weeks to the next PRC meeting, June 12.

7. CHIEF OF POLICE'S REPORT

Chief Greenwood reported:

-- Noted with sadness the passing of William Caldeira.

-- While off-duty, Sgt. Mel Turner saved a small child she noticed face-down at the bottom of a community swimming pool.

-- Currently 161 sworn officers. 2 laterals pending background checks; 5 in academy. 2 graduated from academy May 6, one was a police aide. That program a very reliable source of officer candidates.

-- Spoke at recent graduation of "Inner Perspectives," a multi-county leadership program for officers to consider internal work. Lt. Dan Montgomery administering; Sgt. Rodrigues and Ofc. Kleppe are facilitators.

-- Spent a day in Sacramento at Cal Chief's legislative day. Primary issue is use of force; currently 2 competing measures. One bill includes "necessary" UOF as a standard; that's challenging because it's very much a judgment call in moment of dynamic situation.

-- Epic Recruiting, marketing firm, was on-site last week. Talking to staff; developing themes for website and recruiting videos. Two teams will come film in June. Doing online advertising.

-- Budget process ongoing; did presentation to Council Committee along with all City Depts. One or two more work sessions with Council before adoption. Will increase Community Service Officers by 4; pay for by reduction of OT. CSOs will work in ID unit, property room, and jail. Now tied into Sheriff's decision to close Glenn Dyer jail in North Oakland. Several agencies have contacted BPD about housing their prisoners, to avoid driving to Santa Rita.

-- Command staffs of BPD and Berkeley Fire Dept. met to start on a wildfire evacuation drill to occur late summer. In 1923 fire, wind pushed fire from canyon over hill, to Shattuck/Hearst. Risk huge when humidity drops and very windy. Example: recent fire on Ajax at crest of hill; was same day Tubbs fire began. Berkeley didn't suffer due to vegetation management and because high fire danger, had lots of resources to ready to release right away.

-- Recent incident of sickle-wielding man was initially responded to by patrol officers and then by SRT.

-- Community engagement: Had a table at the Berkeley Book Festival and will have one at Juneteenth. Coffee w/ a cop tomorrow at Peet's on 4th St.

-- UOF policy work group continues to work productively. Working on substantial redraft that will contain all elements PRC has discussed, and meet or exceed referral from Councilmember Harrison. Will account for current legislation as well.

-- On June 3, Council's Public Safety Committee will discuss the referrals re stop data collection & analysis.

-- On Council's June 11 agenda is Mental Health Commission item to ban use of spit masks by police and fire. BPD does not support.

-- Also on June 11 Council agenda, an amendment to the Surveillance Technology Ordinance to ban the use of facial recognition technology. Chief's view: as the Ordinance explicitly disallows anything not expressly allowed, facial recognition IS banned unless and until Council approves it, following a proposal to justify its use. Concern that technology bans cut off all potential use of a tool that might become more accurate in the future.

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. Lexipol Policies Subcommittee – Renew Subcommittee (formed May 23, 2018); update from May 22 meeting. Went through 15 more policies at today's meeting.

Motion to renew the Lexipol Subcommittee
Moved/Second (Mikiten/Calavita) **Motion Carried**

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

- b. MOU Compendium Subcommittee – awaiting answers from Chief.
- c. Standard of Proof Subcommittee – on standby. Awaiting outcome of meet-and-confer on Charter amendment.
- d. Probation & Parole Questioning Subcommittee – PRC Officer to facilitate scheduling.

9. OLD BUSINESS (discussion & action)

- a. Consider recommending to the City Council that it endorse Senate Bill 233, prohibiting the arrest of a person for certain sex crimes if that person is reporting sexual assault, human trafficking, or other violent crimes.
(Item postponed to the next meeting.)
- b. Review BPD’s Referral Response: Update on Various Referrals and Recommendations Regarding Stop Data Collection, Data Analysis and Community Engagement
(Item discussed; no action taken.)

10. NEW BUSINESS (discussion & action)

- a. Review Lexipol Policy 415, Immigration Law

Motion to approve Lexipol Policy 415 relating to Immigration Law.

Moved/Second (Allamby/Roberts) **Motion Carried**

Ayes: Allamby, Calavita, Earnest, Mikiten, Perezvelez, Ramsey, and Roberts.

Noes: None

Abstain: None

Absent: Matthews

- b. Review these Surveillance Use Policies from the Berkeley Police Department:
1300 -- Body Worn Cameras
1301 – Automatic License Plate Readers
1302 -- GPS Trackers.
(Item postponed to the next meeting.)

- c. Lexipol Polices for review and approval
(Heard following Item #10.a.)

Motion to accept Lexipol policies 316, 321, 325, and 418 for approval and submission to the BPD.

Moved/Second (Calavita/Allamby) **Motion Carried**

Ayes: Allamby, Calavita, Earnest, Mikiten, Perezvelez, Ramsey, and Roberts.

Noes: None

Abstain: None

Absent: Matthews

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached

12. PUBLIC COMMENT

There were 4 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 CASE #2429

Motion to accept the PRC's staff recommendation to administratively close Complaint #2429.

Moved/Second (Allamby/Roberts) **Motion Carried**

Ayes: Allamby, Calavita, Mikiten, Perezvelez, Ramsey, and Roberts.

Noes: None

Abstain: None

Absent: Earnest, Matthews

End of Closed Session

14. ANNOUNCEMENT OF CLOSED SESSION ACTION

The vote to administratively close Case #2429 was announced.

15. ADJOURNMENT

By general consent, the meeting was adjourned at 9:55 p.m.