



Police Review Commission (PRC)

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

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

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY CHAIR PEREZVELEZ AT 7:06 P.M.**

Present: Commissioner George Perezvelez (Chair)  
Commissioner Gwen Allamby (Vice-Chair)  
Commissioner Kitty Calavita  
Commissioner Michael Chang  
Commissioner Juliet Leftwich  
Commissioner Elisa Mikiten  
Commissioner Nathan Mizell  
Commissioner Ismail Ramsey

Absent: Commissioner LaMonte Earnest

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood, Lt. Dave Lindenau, Lt. Joe Okies, Sgt.  
Spencer Fomby, Ofc. Daniel Morales (BPA)

**2. APPROVAL OF AGENDA**

**By consensus, the agenda was approved with the following changes: Hear Item #8 after Item #9; and Item #11.a. before Item #10.a.**

**3. PUBLIC COMMENT**

*(Heard following Item #4.)*  
There were 3 speakers.

**4. APPROVAL OF MINUTES**

**Motion to approve Regular Meeting Minutes Draft of September 18, 2019**

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

Ayes: Allamby, Calavita, Chang, Leftwich, Mikiten, Mizell, Perezvelez, and Ramsey.

Noes: None

Abstain: None

Absent: Earnest

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

-- Chair Perezvelez acknowledged the presence of former PRC Commissioner and Chairperson Sherry Smith.

-- Comm. Mizell reported on his experience at the NACOLE Conference. [National Association for Civilian Oversight of Law Enforcement]

-- Chair gave his report on the NACOLE Conference.

-- Chair will be attending the IACP [Int'l Assoc. of Chiefs of Police] conference next week.

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

The PRC Officer reported:

-- Her impressions of the NACOLE conference.

-- The mediation in complaint #2456 has concluded, and no new complaints have been filed since the last meeting.

-- Former Terry Roberts declined to return to receive his certificate of appreciation in person, but the Commission did have the chance to thank him in person at a prior meeting.

-- City Council passed first reading of an amendment to the Surveillance Technology Ordinance to ban the City's use of face recognition technology except in specified circumstances.

-- Just two more PRC meetings this year, Nov. 13 and Dec. 11.

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

Chief Greenwood reported:

-- Currently 159 sworn. 2 more laterals coming on board week of Nov. 4.

-- Before and during the PG&E power shut-off, the City activated its EOC [Emergency Operations Center]. Parking Enforcement Officers and police officers assigned to hill area to keep roads clear during high fire danger. During power shut-off about 15 staff moving around the area with flashers on to keep lookout and be crime deterrent. Big staffing and resources impact on BPD for 3 days.

-- Spending lots of time in meet-and-confer over the charter amendment.

-- Monique Frost, Communications Center Manager (civilian position), retired. Temporary manager in place until salary and benefits survey completed, so competitive salary can be set.

- Doing promotional interviews for lieutenants and sergeants. In-depth and time-consuming, but worthwhile.
- 1<sup>st</sup> report to Council for Surveillance Technology Ordinance coming in November.

## **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 – report of Oct. 9 & Oct. 23 meetings.
- b. Probation & Parole Questioning Subcommittee – report of Oct. 8 meeting.
- c. MOU Compendium Subcommittee
- d. Standard of Proof Subcommittee
- e. Use of Force Subcommittee

*(Item postponed to the next meeting.)*

## **9. PRESENTATION BY BERKELEY POLICE DEPARTMENT REGARDING SPECIAL RESPONSE TEAM (discussion & action)**

Sgt. Fomby & Lt. Okies gave their presentation and answered questions from Commissioners.

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

- a. Review and approve the following Surveillance Use Policies and related reports and policies under Surveillance Technology Use & Community Safety Ordinance: 1301 – Global Positioning System (GPS) Tracking Devices (Use Policy) and 1301 Appendix A – (Acquisition Report), as revised following July 24, 2019 meeting.

*(Heard following Item #11.a.)*

### **Motion to approve Policy 1301 and its appendix, 1301A.**

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

Ayes: Allamby, Chang, Leftwich, Mikiten, Mizell, Perezvelez, and Ramsey.

Noes: None      Abstain: Calavita      Absent: Earnest

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

- a. Policy Complaint #2463: whether to accept policy complaint regarding enforcement of traffic laws against bicyclists who run stop signs and, if accepted, determine how to proceed.

*(Heard following Item #9.)*

### **Motion to not accept the policy complaint.**

Moved/Second (Leftwich/Ramsey) **Motion Carried**

Ayes: Allamby, Calavita, Chang, Leftwich, Mikiten, Mizell, Perezvelez, and Ramsey.

Noes: None      Abstain: None      Absent: Earnest

- b. Proposed amendment to PRC Regulations regarding handling of informal complaints.  
*(Item postponed to the next meeting.)*
- c. Lexipol Policies for review and approval.

<b>Lexipol #</b>	<b>G.O. (if any)</b>	<b>Title</b>
<b>349</b>	F-06	Tactical Rifle Operator
<b>410</b>	I-16	Mental Illness Commitments
<b>411</b>	C-10	Cite and Release Policy
<b>419</b>	F-03	Field Training Officer Program

*(Item postponed to the next meeting.)*

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

Attached.

### **12. PUBLIC COMMENT**

There were no 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 recessed into closed session to discuss and take action on the following matter(s):

### **13. PRESENTATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2419**

**Motion to approve Complaint #2419 for administrative closure.**

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

Ayes: Allamby, Calavita, Chang, Leftwich, Mikiten, Perezvelez, and Ramsey.

Noes: None

Abstain: Mizell

Absent: Earnest

***End of Closed Session***

### **14. ANNOUNCEMENT OF CLOSED SESSION ACTION**

### **15. ADJOURNMENT**

**By general consent the meeting was adjourned at 10:20 p.m.**