



Police Review Commission (PRC)

DRAFT

**POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES**

**Wednesday, December 11, 2019
7:00 P.M.**

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR PEREZVELEZ AT 7:05 P.M.

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

Absent: Commissioners LaMonte Earnest, Juliet Leftwich

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood; Lt. Dave Lindenau

2. APPROVAL OF AGENDA

**By general consent, the agenda was approved with the following changes:
Hear Item #10.b after Item #9.a., and postpone the closed session item to the
next meeting.**

3. PUBLIC COMMENT

There were 3 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes Draft of November 13, 2019.

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

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

Noes: None

Abstain: None

Absent: Earnest, Leftwich

5. CHAIR'S REPORT

-- The Chair reminded Commissioners that this is his second-to-last meeting as chair, and to think about running for Chair next year.

6. PRC OFFICER'S REPORT

The PRC Officer introduced new Deputy City Attorney Sam Harvey, who has been assigned to advise the PRC.

The PRC Officer reported:

-- 1 new complaint filed since the last meeting, bringing total to 3 active cases under investigation.

-- The City Council's consideration of the Surveillance Technology Report, scheduled for the Dec. 3 meeting, was postponed to Jan. 28.

-- An updated Priority/Task list appears for your information on p. 11 of the packet. It shows status of tasks that Commission ranked one year ago, in addition to new tasks taken on in 2019.

-- A Commissioners' Information Session on the City's Strategic Plan will be held Jan. 16th from 6:30 – 8:00 pm at City Hall. RSVP to the email shown on the announcement.

-- Responding to a prior inquiry, there are about 180 Lexipol policies and the full Commission has reviewed about 98, leaving about 82 to go. Will agendaize a set of policies for Commission for its first meeting in January and send ahead of time.

-- PRC Officer will be on vacation Dec. 18 to 31; rest of staff will be in the office.

Commissioner Ramsey reported on the Mayor's Task Group on Fair & Impartial Policing:

-- He is chairing this group; membership still being settled on but wide participation of folks from across City, including Chief of Police, ACLU, NAACP, Commissioners Calavita and Mizell, Jim Chanin, Mayor Arreguin, Councilmember Harrison, and an academic.

-- Trying to set up a working plan to address the various referrals to Council related to Fair & Impartial policing. Public is welcome. No regular meeting schedule yet. Goal to finish work by end of May.

7. CHIEF OF POLICE'S REPORT

-- Currently 170 sworn officers; includes 4 in field training. 3 will graduate academy next week; another 3 in Feb. and 2 more in May. Have reservations for up to 11 in academy in spring.

-- 8-hour tactical de-escalation training to be held next Feb. and March for all patrol officers.

-- Department been busy helping the needy this holiday season: 1) BPA and merchants donated funds for 500 turkey dinners. 2) Got \$3000 grant from Target for "Shop With a Cop." City Recreation Dept. identified 19 underprivileged kids; linked each one with an officer to go shopping with families and siblings. 3) City Senior Executive Team contributed to a needy family.

-- This evening Chief was at the Officer of the Year event sponsored by BPA, DBA, and Chamber of Commerce. Ofc. Greg Michalczyk was recognized for his work in the downtown and Telegraph areas.

-- Starting promotions process, which involves interviews.

-- Tomorrow will deliver answers to Subcommittee's questions on the MOU compendium.

-- Will be delivering use-of-force to PRC Officer within the next week; has been a longstanding referral, before recent legislation. Convened team to work on it. POST has 15-minute training video re new law. Counsel may advise that policy should be implemented Jan. 1 but doesn't take away from PRC's ability to review.

Chief Greenwood answered questions from the 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. Lexipol Policies Subcommittee – Subcomm. Chair Perezvelez reported on the meeting held this evening.
- b. MOU Compendium Subcommittee – Look forward to receiving answers.
- c. Standard of Proof Subcommittee – waiting for M&C to conclude.
- d. Use of Force Subcommittee – PRC Officer to schedule next meeting.

9. OLD BUSINESS (discussion & action)

- a. Continue discussion on recommendation to revise the Berkeley Police Department's policies regarding: 1) Questioning detainees about their probation or parole status; and 2) Conducting searches of detainees are on probation or parole.

Public comment – 4 speakers.

1) Motion to approve the following policy language:

Officers should not ask if a person is on probation or parole if the person has correctly identified themselves either verbally or by presenting identification documents. When officers deem it necessary to determine probation or parole status, officers shall conduct a records check.

Officers should only ask when necessary: 1) to protect the safety of others, the person detained, or officers; 2) to forward a legitimate law

enforcement investigative purpose (for example, sorting out multiple computer returns on common names); or 3) to confirm probation and parole status subsequent to a records check. If officers need to ask the question, “Are you on probation or parole?” the officer shall ask respectfully and consider that people may take offense at the question.

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

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

Noes: None

Abstain: None

Absent: Earnest, Leftwich

(Item 10.a. heard.)

2) *Discussion on probation and parole searches held and continued to the next meeting.*

b. Proposed amendment to PRC Regulations regarding handling of informal complaints.

(Item postponed to the next meeting.)

c. Commendations of Berkeley Police Dept. personnel:

i. Consider revising how the PRC reviews and acts on commendations.

ii. Review commendations for January through June 2019.

(Item postponed to the next meeting.)

10. NEW BUSINESS (discussion & action)

a. Establish regular PRC meeting schedule for calendar year 2020.

By general consent, the proposed 2020 regular meeting schedule was approved.

b. Discussion with BPD regarding training on, compliance with, and implementation of Policy 401 (formerly General Order B-4), Fair & Impartial Policing.

Public comment – 2 speakers

Discussed; no action taken.

c. Disband Probation & Parole Searches Subcommittee

(Item postponed to the next meeting.)

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There were 2 speakers.

Closed Session

- 13. CONSIDER WHETHER TO ACCEPT LATE-FILED COMPLAINT IN CASE #2466.**
(Item postponed to the next meeting.)

End of Closed Session

- 14. ANNOUNCEMENT OF CLOSED SESSION ACTION**

None.

- 15. ADJOURNMENT**

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