POLICE REVIEW COMMISSION
REGULAR MEETING
AGENDA

Wednesday, January 8, 2020
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 December 11, 2019.

5. CHAIR'S REPORT

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

7. CHIEF OF POLICE'S REPORT
   Crime, budget, staffing, training updates, other items.

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
   b. MOU Compendium Subcommittee
   c. Standard of Proof Subcommittee
   d. Use of Force Subcommittee
9. OLD BUSINESS (discussion & action)
   a. Continue discussion on recommendation to revise the Berkeley Police
      Department's policies regarding conducting searches of detainees are on
      probation or parole.
      From: Probation & Parole Searches Subcommittee
      (See pp. 15 – 23 of Dec. 11, 2019 packet.)
   b. Disband Probation & Parole Searches Subcommittee
   c. Proposed amendment to PRC Regulations regarding handling of informal
      complaints.
      (See pp. 13 – 19 of Nov. 13, 2019 packet.)
      From: PRC Officer
   d. Commendations of Berkeley Police Dept. personnel:
      i. Consider revising how the PRC reviews and acts on commendations.
      (See pp. 25 – 75 of Nov. 13, 2019 packet.)

10. NEW BUSINESS (discussion & action)
    a. Police Department’s issuance of Policy 300, Use of Force.
       (To be delivered.)
       From: Commissioner Perezvelez
    b. Lexipol Policies for review and approval:

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<td>T-18</td>
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<tr>
<td>1202</td>
<td>T&amp;IB 249</td>
<td>Second Response</td>
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<td>(previously reviewed as 351)</td>
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(See separate packet.)

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.
12. 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.)

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 #2458
14. PRESENTATION FOR ADMINISTRATIVE CLOSURE IN CASE #2468

End of Closed Session

14. ANNOUNCEMENT OF CLOSED SESSION ACTION

15. ADJOURNMENT

Communications Disclaimer
Communications to the Police Review Commission, like all communications to Berkeley boards, commissions or committees, are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the PRC Secretary. If you do not want your contact information included in the public record, do not include that information in your communication. Please contact the PRC Secretary for further information.

Communication Access Information (A.R.1.12)
This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Police Review Commission, located at 1947 Center Street, 1st floor, during regular business hours.

Contact the Police Review Commission at (510) 981-4950 or prc@cityofberkeley.info.
MINUTES
December 11, 2019 Regular Meeting Draft Minutes

AGENDA-RELATED
Item 9.a. – Data from Lt. Dan Montgomery.
Item 9.d.i. – Berkeley PRC proposed internal operating procedures change.

COMMUNICATIONS
2020 PRC Meeting Schedule.
Communication to City Council from the public re charter amendment from its Dec. 10, 2019 meeting.
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 agendize 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.


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.
      (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.
• 327 people are on Formal Probation supervised by the Probation Department (per Probation Q3 2019 report). 1 ½ probation officers manage this case load or 218 probationers per full time employee.

• 862 people are on Court Probation in Berkeley. Court probationers are not assigned any formal supervision, however are subject to 4th waivers.

• 72% of adult probationers in Berkeley are under no formal supervision other than contacts and searches with officers in Berkeley.

• In 2017, the Berkeley Police Department made 687 arrests for probation or parole violations.

• In 2018, the Berkeley Police Department made 521 arrests for probation or parole violations.

• From 2014 to 2018, BPD recorded an average of 6145 Part 1 Crimes. Part 1 Crimes include Murder, Rape, Robbery, Arson, Aggravated Assault, Auto Theft and Larceny. Using the proposed guideline, only 581 (or 9.5%) of those crimes/victimizations would merit fourth waiver searches of probationers. (Not all reported part one crimes are closed with a suspect in custody or result in a 4th waiver).

• January 1, 2015, we began collecting data on reasons for stops to include known probationer or parolee stop which is coded as K.

• From January 1, 2015 to December 31, 2018 (4 full years) we stopped or detained (car stops, bike stops, pedestrian stops) 48049 people.

• 672 of those stops or 1.39% were coded as known probation or parole as the reason for the stop. Of those, only 520 or 77.38% were then searched. Only 1.08% of stops were for probation or parole and resulted in a search.
Berkeley PRC proposed internal operating procedures change. For review and discussion.

In order to continue to add our voices in recognizing when members of the Berkeley Police Department go beyond the call of duty in how they interact, serve and protect the community, the PRC makes the following recommendation to its internal procedures:

I- Commendation process

1. When external or internal commendations or testimonials of exemplary service are made by individual members of the community, organizations or other law enforcement agencies and said commendations are given to individual members of the police department or teams, such commendations will be shared by the the BPD with the PRC for review and discussion.

2. On a quarterly basis and as a discussion and action agenda item, The PRC officer will agendize and disseminate within a meeting packet all the received commendations. Commissioners will identify out of all the submitted commendation or letters which ones they would like to add the PRC's voice as an additional commendation for the great service performed on behalf of the Department and the Berkeley community.

3. Any PRC Commissioner has the right to individually "earmark" and recommend any of the submitted commendations or letters. More than one Commissioner can identify and "earmark" a commendation or letter.

4. In instances in which there is a difference of opinion regarding a specific commendation or letter, the PRC will vote said commendation or letter individually in an up and down vote in accordance to Robert's Rules

5. At the completion of the "earmarking" process, a motion will be made in accordance to Robert's Rules to direct the PRC Officer to compile a list of all the approved commendations. Said list will then be sent to the Chief by the PRC Officer in the form of a letter for insertion on each individual's personnel file.

6. It is the intent that such letters of recommendation be used by the Chief of Police, as appropriate, when evaluating an individual or team performance of their duties and or tasks.

Submitted by: Chair George Perezvelez
2020 PRC Meeting Schedule

- **PRC Meeting Days**
- **City Holidays**
- **VTO Days**

PRC meetings are generally held on the 2nd and 4th Wednesdays of each month, except during an August recess and in November and December, when one meeting for each of those months is held. Note that the first meeting in February is scheduled for the first Wednesday due to the Lincoln's Birthday holiday on February 12th.
# 2020 Commission Meeting Dates

Name of Commission: Police Review Commission

Commission Secretary: Katherine J. Lee

## 2020 Meeting Dates

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commission@cityofberkeley.info
City Clerk Department
From: Berkeley Citizens Action <berkeleycitizensaction@gmail.com>
Sent: Saturday, November 23, 2019 12:06 PM
To: All Council; City Clerk
Cc: bca-steering-committee@googlegroups.com
Subject: SUPPORT FOR BALLOT MEASURE TO STRENGTHEN THE CITY'S POLICE REVIEW COMMISSION

Dear Council members and Mayor,
The Steering Committee of Berkeley Citizens Action strongly supports the Charter Amendment put forth by Mayor Arreguin and Council member Harrison to strengthen the city's Police Review Commission.

We urge you to oppose any weakening of that proposed Charter Amendment and to vote as soon as possible for putting it on the 2020 ballot.

We need a stronger and more effective Police Review Commission to help ensure fair and impartial policing, which is vital to our community’s well-being. The Commission needs to be fully independent of the City Manager and have access to Police Department data necessary for its oversight function.

Linda Franklin, Steering Committee
Berkeley Citizens Action
P.O. Box 9932, Berkeley, CA 94709 • (510) 982-6528
www.berkeleycitizensaction.org • berkeleycitizensaction@gmail.com