



Police Review Commission (PRC)

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

**Wednesday, January 8, 2020
7:00 P.M.**

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY VICE-CHAIR ALLAMBY AT 7:00 P.M.

Present: Commissioner Gwen Allamby (Vice-Chair)
Commissioner Kitty Calavita
Commissioner Michael Chang
Commissioner Juliet Leftwich
Commissioner Elisa Mikiten (arrived 7:05 p.m.)
Commissioner Ismail Ramsey

Absent: Commissioners Nathan Mizell, George Perezvelez

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Lt. Dave Lindenau, Sgt. Cesar Melero

2. APPROVAL OF AGENDA

Motion to approve the agenda, except for the postponement of Item #9.a. to the next meeting.

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

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

Noes: None Abstain: None Absent: Mizell, Perezvelez

3. PUBLIC COMMENT

There were no speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of December 11, 2019

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

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

Noes: None Abstain: None Absent: Mizell, Perezvelez

5. CHAIR'S REPORT

None..

6. PRC OFFICER'S REPORT

The PRC Officer reported:

-- No new cases filed since the last meeting. Two cases will be considered for administrative closure later tonight. A Board of Inquiry hearing is scheduled Jan. 31. The late-file scheduled for the Dec. 2019 meeting but postponed has been rejected; complainant failed to file late-file form.

-- Reminder that the Commissioners' Information Session on the Strategic Plan will be held January 16 at 6:30 p.m. at City Hall; RSVP requested.

-- Berkeleyside article from Dec. 19 has been handed out; reporter noted mistake in 2018 Annual Report regarding outcome of *Caloca* appeal, which staff will correct.

-- Note that the PRC meeting schedule is in today's agenda packet.

-- Use of Force policy and related info from Chief Greenwood have been handed out; Comm. Perezvelez asked to withdraw Item #10.a.; UOF Subcommittee will review proposed policy.

-- Meet-and-confer over the Charter amendment to reform the PRC has been proceeding actively.

7. CHIEF OF POLICE'S REPORT

None.

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 – on hiatus for at least this month.
- b. MOU Compendium Subcommittee – to be scheduled.
- c. Standard of Proof Subcommittee – awaiting outcome of meet-and-confer.
- d. Use of Force Subcommittee – to be scheduled.

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.
(Postponed to the next meeting.)
- b. Disband Probation & Parole Searches Subcommittee
(Postponed to the next meeting.)

- c. Proposed amendment to PRC Regulations regarding handling of informal complaints.

Motion to amend the PRC Regulations regarding informal complaints, as proposed by staff, with the addition of a subsection 4, which shall read: “The Commissioners shall consider the informal complaint and recommend what additional action, if any, the PRC Officer should take.”

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

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

Noes: None

Abstain: None

Absent: Mizell, Perezvelez

- d. Commendations of Berkeley Police Dept. personnel:

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

By general consent, the Commission voted to have the PRC Officer:

1) Revise Comm. Perezvelez’s proposal for considering commendations, as follows: replace “exemplary” [services] with “extraordinary”; include a PRC Commissioner in the list of possible sources of commendations; in section 2, replace “quarterly” with “periodic” or similar word; add that Commissioners may propose a special action or honor for extraordinary service; and incorporate criteria for commendations, including “outstanding service,” “valor/bravery/heroism,” and those listed in BPD Policy 1014.4.

2) Present the revised proposal for the Commission’s review at the next meeting.

- ii. Review commendations for January through June 2019.

(Postponed to the next meeting.)

10. NEW BUSINESS (discussion & action)

- a. Police Department’s issuance of Policy 300, Use of Force.
(Item withdrawn. Use of Force Subcommittee to review proposed Policy 300.)
- b. Lexipol Policies for review and approval:

Motion to approve Policy 327, Outside Agency Assistance.

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

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

Noes: None

Abstain: None

Absent: Mizell, Perezvelez

By consensus, the Commission referred Policy 343, Gun Violence Restraining Orders back to the Subcommittee with questions for the Chief about whether Lexipol will issue an update Lexipol bulletin reflecting the amended state law; and whether Section 343.4, Service of Gun Violence Restraining Orders, regarding the requirement that the officer also inform the restrained person, appropriately tracks state Penal Code section.

Motion to approve Policy 344, Off-duty Law Enforcement Action.

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

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

Noes: None Abstain: None Absent: Mizell, Perezvelez

Motion to approve Policy 420, Foot Pursuits.

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

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

Noes: None Abstain: None Absent: Mizell, Perezvelez

Motion to approve Policy 424, Mobile Data Terminal Use.

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

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

Noes: None Abstain: None Absent: Mizell, Perezvelez

Motion to approve Policy 428, First Amendment Assemblies.

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

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

Noes: None Abstain: None Absent: Mizell, Perezvelez

Motion to approve Policy 506, Disabled Vehicles.

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

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

Noes: None Abstain: None Absent: Mizell, Perezvelez

Motion to approve Policy 1202, Second Response.

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

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

Noes: None Abstain: None Absent: Mizell, Perezvelez

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There were 2 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 #2458

Motion to approve Complaint #2458 for administrative closure.

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

Ayes: Allamby, Calavita, Chang, Leftwich, Mikiten, and Ramsey.
Noes: None Abstain: None Absent: Mizell, Perezvelez

14. PRESENTATION FOR ADMINISTRATIVE CLOSURE IN CASE #2468

(Item postponed to the next meeting.)

End of Closed Session

14. ANNOUNCEMENT OF CLOSED SESSION ACTION

The Commission's vote in Case #2458 and postponement of action in Case #2468 were announced.

15. ADJOURNMENT

By general consent, the meeting was adjourned at 9:15 p.m.