



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, February 5, 2020
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR CALAVITA AT 7:02 P.M.

Present: Commissioner Kitty Calavita (Chair)
Commissioner Nathan Mizell (Vice-Chair)
Commissioner Gwen Allamby
Commissioner Michael Chang
Commissioner Juliet Leftwich
Commissioner Elisa Mikiten (arrived 7:35 p.m.)
Commissioner Ismail Ramsey (arrived 7:07 p.m.)

Absent: Commissioner George Perezvelez

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood, Lt. Dave Lindenau, Lt. Dan Montgomery, Sgt. Cesar Melero; Ofc. Carlos Maldonado (BPA)

2. APPROVAL OF AGENDA

Motion to approve the agenda.

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

Ayes: Allamby, Calavita, Chang, Leftwich, and Mizell

Noes: None Abstain: None Absent: Mikiten, Perezvelez, Ramsey

3. PUBLIC COMMENT

There were no speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of January 22, 2020.

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

Ayes: Allamby, Calavita, Chang, Leftwich, and Mizell

Noes: None Abstain: None Absent: Mikiten, Perezvelez, Ramsey

5. CHAIR'S REPORT

-- Chair Calavita thanked Comms. Perezvelez and Allamby for serving as last year's Chair and Vice-Chair, and Comm. Mizell for serving as Vice-Chair this year.

-- The Chair thanked fellow commissioners for electing her, and looks forward to an interesting and challenging year, which may include a Charter amendment on the November ballot to reform the PRC.

-- Chair is interested in addressing fair and impartial policing issues. She will bring periodic updates from Mayor's Fair & Impartial Policing Workgroup; she is a member along with Comms. Ramsey (who is chair) and Mizell. She is on a subgroup for community outreach; will also use as outreach for PRC.

-- Comm. Ramsey added that the Workgroup's next meeting is Feb. 19. Trying to be done by June. Making good progress.

6. PRC OFFICER'S REPORT

The PRC Officer reported:

-- BOI scheduled for last Friday but complainant did not appear, so complaint dismissed. No new complaints filed since last meeting; no active cases currently.

-- Surveillance Technology Report was on City Council's Jan. 28 agenda; by consent Council approved Surveillance Use and Acquisition Policies for GPS trackers, and postponed the body-worn camera and automated license plate reader policies to the Feb. 25 meeting.

-- Next PRC meeting in 3 weeks, Feb. 26.

-- City is observing holidays on Feb. 12 and Feb. 17.

7. CHIEF OF POLICE'S REPORT

Chief Greenwood reported that his main focus right now is on staffing. Aiming for 181 sworn and currently at 172.

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 – no report; haven't met recently.
- b. MOU Compendium Subcommittee – will report during Item #10.a.
- c. Standard of Proof Subcommittee – still waiting outcome of meet-and-confer.
- d. Use of Force Subcommittee – possible meeting Feb. 19.

9. OLD BUSINESS (discussion & action)

- a. Berkeley Police Department’s policies regarding interactions with persons possibly on probation or parole.
 - i. Continue discussion on recommendation to revise the Berkeley Police Department’s policies regarding conducting searches of detainees on probation or parole.

Main Motion: to accept the recommended policy as written on page 13 of the agenda packet with the addition of 1st degree burglary at the end of the last sentence; and insertion of the phrase “Notwithstanding the above” after the heading “Violent Offenses.”

Moved/Second (Ramsey/Allamby)

Friendly amendment: with the understanding that the Police Department is encouraged to return with proposed revisions by the PRC’s March 25, 2020 meeting.

Moved by Calavita; Accepted by Ramsey and Allamby

Substitute Motion: to continue this item to the second meeting in March with direction to the Police Department to: 1) reflect on this language and its implementation challenges; 2) think about how to reduce pedestrian stops not triggered by any other infraction; and 3) consider, of the remaining searches, how to measure the yield rates so results can be seen over time.

Moved/Second (Mikiten/Leftwich) **Substitute Motion Failed**

Ayes: Leftwich, Mikiten

Noes: Allamby, Calavita, Chang, Mizell, Ramsey

Abstain: None Absent: Perezvelez

Main Motion, as amended, Carried

Ayes: Allamby, Calavita, Chang, Leftwich, Mizell, and Ramsey

Noes: None Abstain: Mikiten Absent: Perezvelez

- ii. Decide how to present to the City Council the PRC’s recommendation regarding questioning detainees about their probation or parole status (passed Dec. 11, 2019).

(Item postponed to the March 25 meeting.)

Commissioner Ramsey absent 9:35 p.m. – 9:55 p.m.

- b. Disband Probation & Parole Searches Subcommittee.

Motion to disband the Probation & Parole Searches Subcommittee.

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

Ayes: Allamby, Calavita, Chang, Leftwich, and Mizell

Noes: None Abstain: Mikiten Absent: Perezvelez, Ramsey

- c. Review commendations of Berkeley Police Department personnel for January through June 2019.

(All references to page numbers are to the November 13, 2019 agenda packet.)

By general consent, the Commission agreed to commend Officer G. Mitchell for his actions on January 6, 2019, in calming down an agitated man, constituting a superior handling of a difficult situation [p. 25 of packet].

Motion to commend Officers C. Scott, B. Smith, J. Jones, S. Tinney, and Sgt. V. Rodrigues for their ongoing efforts in the Community Services Bureau addressing concerns related to homeless encampments [p. 45 of packet]; these are multiple examples of superior handling of difficult situations.

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

Ayes: Calavita, Chang, Leftwich, and Mikiten

Noes: None

Abstain: Allamby, Mizell

Absent: Perezvelez, Ramsey

Motion to commend Lt. K. Smith, Sgts. Rittenhouse, Castle, Parsons, and Coats, Ofcs. Grover, Syto, Villarroel, Turney, Hunt, and Melowitz, and CSO Medlin, for handling a suicide attempt atop the Gaia building on June 15, 2019; it was dramatic, heroic, and well done [p. 71 of packet].

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

Ayes: Allamby, Calavita, Chang, Leftwich, Mikiten, and Mizell

Noes: None

Abstain: None

Absent: Perezvelez, Ramsey

Motion commend Sgt. Ledoux and Ofcs. Bold and P. Anderson for their response on May 29, 2019 to a man armed with a knife and threatening a woman, an example of superior handling of a difficult situation [p. 65 of packet].

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

Ayes: Allamby, Calavita, Chang, Leftwich, Mikiten, and Mizell

Noes: None

Abstain: None

Absent: Perezvelez, Ramsey

Motion to commend Sgts. Landrum, Schikore, Parsons and Huynh, and Ofcs. Ludovico, Driscoll, Yee, Hunt, and Nash, for their response on June 15, 2019 to an armed robbery suspect, exemplifying superior work in de-escalating a difficult situation [p. 73 of packet].

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

Ayes: Allamby, Calavita, Chang, Leftwich, Mikiten, and Mizell

Noes: None

Abstain: None

Absent: Perezvelez, Ramsey

10. NEW BUSINESS (discussion & action)

- a. Review and approve MOU Compendium agreements.

Discussion held.

By general consent this item was continued to the next meeting.

- b. Consider holding a Police Review Commissioners' retreat.

(Item postponed to the next meeting.)

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There were 4 speakers.

13. ADJOURNMENT

By general consent, the meeting was adjourned at 10:03 p.m.