



Police Review Commission (PRC)

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

**Wednesday, June 24, 2020
7:00 P.M.**

No physical location; meeting held exclusively through videoconference and teleconference.

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

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

Absent: Commissioners Gwen Allamby

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood

2. APPROVAL OF AGENDA

With revisions to: 1) postpone Item #9.a., Use of Force policy, to the June 29 special meeting, and 2) move Item #7., Chief's report, to after Item #9.b., the agenda was approved by general consent.

3. PUBLIC COMMENT

There were no speakers.

4. APPROVAL OF MINUTES

The minutes of the March 11, 2020, April 8, 2020, May 13, 2020, and May 27, 2020, regular meetings were approved by general consent.

5. CHAIR'S REPORT

Chair Calavita reported:

- The Mayor's Workgroup on Fair & Impartial Policing has restarted its meetings. Comm. Ramsey is Chair; she and Comm. Mizell are in the Workgroup. Have continued to research data on racial disparities on stops and searches by BPD. Mayor stressed that it's time to turn from discussing data to recommendations for policy changes. Next meeting July 1.
- The BPD Open Data Portal is now up-to-date with info on BPD stops. Former PRC Comm. Lippman has done analysis showing dramatic increase in disparities since shelter-in-place.
- Many police-related items likely to be discussed at July 14 Council meeting, including use of force policy recommendation.

6. PRC OFFICER'S REPORT

The PRC Officer reported:

- One new complaint filed since last meeting.
- Reiterate that use of force policy will be one of many police-related items Council will consider at its July 14 meeting.
- PRC special meeting Monday, June 29 at 7:00 p.m. for PRC to hear Subcommittee's recommendation on proposed use of force policy.
- Reminder re Brown Act restrictions on non-subcommittee members attending a subcommittee meeting. (City Attorney helped clarify that a non-member can attend, but should not speak or otherwise participate.)
- NACOLE Annual Conference registration is open; sessions will occur virtually beginning late July for 10 weeks. Sessions are \$15 each; unsure of how much will be available in PRC's budget to fund Commissioner attendance.

7. CHIEF OF POLICE'S REPORT

(Heard following Item # 9.b.)

- Been challenging time due to COVID-19 and George Floyd.
- Entire department was deployed for 10 straight days during protests. Came out pretty well; no businesses seriously damaged or burned; didn't suffer a lot of looting.
- At least 9 Council items coming related to policing. Happy to see a number of issues finally faced, such as where policies need to be codified in ordinances. Look forward to working toward reimagining department. Listening closely to community, especially African Americans.
- Working on presentations to Council on budget and dealing with impacts of COVID on it. Challenging because so many unknowns at so many levels.
- Been trying to rebuild department since low of 2018, but now must cut positions. Should be able to continue baseline services. Anticipate people leaving due to retirement or injuries, though concerned that 20 - 22 people eligible to retire. BPD delivers high quality services with a minimum of harm, so it's hard to be painted with a broad brush, causing people to leave the profession.
- Couple recent incidents showed immense risk officers face, but ability to resolve situations with minimum of force.

- Council item proposal for consultant to audit calls for service [CFS]; City Auditor has offered to perform in-house. Welcome a look at CFS to illuminate how much work done daily, and also to help figure out strategies to respond to calls that don't involve police, such as mental health crises and homeless encampments. Can offload that kind of work that the department has taken on over the years.
- Working non-stop, mostly on budget, Council items, and Use of Force Subcommittee meetings.

8. SUBCOMMITTEE REPORTS (discussion and 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. Outreach Subcommittee – PRC Officer to facilitate scheduling of meeting.
- b. Lexipol Policies Subcommittee – waiting to see when BPD staff will be available to attend.

9. NEW BUSINESS (discussion and action)

- a. Review and approve recommended revisions to BPD Policy 300, Use of Force; authorize PRC Chair, Subcommittee Chair, and/or PRC Officer to draft report to City Council.

(Postponed to June 29, 2020 special meeting.)

- b. Review and approve Surveillance Acquisition Report and Surveillance Use Policy for street level imagery of City infrastructure assets.

Presentation made by City staff Savita Chaudhary, IT Director; Joy Brown, Public Works; Michael Woo, Deputy City Attorney; and David White, Deputy City Manager.

Motion to recommend approval of use policy for the following reasons:

- 1) the CycloMedia vehicle driver has no access to the data;**
- 2) a separate team blurs faces and license plates before the data is received by City;**
- 3) the information is protected based on the ISO 27002 code of practice;**
- 4) the data represents only a single point in time;**
- 5) data access is limited to City employees approved by the Directors of both the Public Works and Information Technology Departments;**
- 6) there is an audit trail of who is using the data and for what purpose;**
and
- 7) access is removed when individuals leave employment at the City of Berkeley;**

And further recommend that the information to be included in the reporting be defined, and that there be general notification to the public in

advance that, for a certain time period, and during specified hours, a CycloMedia vehicle will be driving around the City collecting images, such notification to appear in several recognized communication methods such as Nixle and Berkeleyside.

Moved/Second (Mikiten/Leftwich)

Friendly amendment: Add that we are concerned that the blurring of faces and license plates is not sufficient to remove identity, and it is for this reason that access restrictions be stringently upheld.

Moved by Calavita; Accepted by Mikiten and Leftwich

Motion, as amended, Carried

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

Noes: None

Abstain: None

Absent: Allamby

- c. Consider proposed ordinance re Public Right to Identify Officers.

Motion to endorse Councilmember Robinson's proposed addition to the Berkeley Municipal Code, Chapter 13.111, Obscuring of Police Officers' Identifying Information, on the condition that the penalty structure in Section 13.111.050 be modified as follows:

a) Violation of section 13.111.030 shall be grounds for discipline.

b) Repeated, willful violations shall be grounds for discipline up to and including termination from the Department.

c) Violation of section 13.111.030 by an officer while that officer is committing a crime shall be grounds for immediate termination.

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

Ayes: Calavita, Chang, Leftwich, Perezvelez.

Noes: Mikiten, Mizell

Abstain: Ramsey

Absent: Allamby

- d. Consider "No Police Revolving Door" resolution (banning the hiring of police officers with a history of serious misconduct and amending BPD Policy 1000, Recruitment and Selection).

Motion to oppose the proposed resolution as written because: 1) we have concerns about the two unsustained complaints being a disqualifier, and feel it would be better to reference a pattern of unsustained complaints; and 2) we were not given adequate time to review the draft.

Moved/Second (Leftwich/Mikiten)

Substitute motion to support the resolution with the caveat that the Police Review Commission has concerns about the language regarding two unsustained complaints, and believes that greater discretion may be necessary in such cases.

Moved/Second (Mizell/Calavita) **Substitute Motion Carried**

Ayes: Calavita, Chang, Leftwich, Mizell, Perezvelez

Noes: Mikiten, Ramsey

Abstain: None

Absent: None

10. PUBLIC COMMENT

There were 2 speakers.

11. ADJOURNMENT

By general consent, the meeting was adjourned at 10:30 p.m.