



Police Review Commission (PRC)

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

**Wednesday, July 8, 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 7:03 P.M.

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

Absent: Commissioner Michael Chang

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood, Capt. Rico Rolleri, Lt. Joe Okies, Lt. Spencer Fomby, Sgt. Jen Tate, Sgt. Joseph Ledoux

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

3. PUBLIC COMMENT

There were 5 speakers.

4. APPROVAL OF MINUTES

The PRC Officer pointed out that she wrote in the minutes that the Council voted to ban tear gas during crowd control, but they voted for a complete ban on tear gas, according to the corrected annotated agenda.

The regular meeting minutes of June 10, 2020, were approved by general consent.

5. CHAIR'S REPORT

Chairperson Calavita reported on the Mayor's Workgroup on Fair & Impartial Policing.

- Meetings going well; at the last meeting heard presentation by Prof. Frank Bumgartner, author of *Suspect Citizens*, which studied racial disparities in traffic stops. Also, Arlo Malmberg, data analyst at BPD, from the Goldman School of Public Policy made presentation.
- Next meeting July 15, 3 pm – 5 pm.

6. PRC OFFICER'S REPORT

The PRC Officer reported:

- One new complaint filed since the last meeting; complainant requested mediation.
- City Council approved, by consent, the surveillance acquisition report and use policy for the street level imagery project, which the PRC had approved with comments and conditions.
- The Council passed a budget for fiscal year 2021; does not include any cuts to PRC staff but does slash non-personnel costs.
- PRC budget does include \$200 for conference registration, which will cover just under two registrations for 7 commissioners not being paid by another agency. Comm. Mikiten has signed up for some sessions and has identified others that may be of particular interest to Commissioners.
- The Council's Public Safety Policy Committee postponed until its July 20 meeting the two items the PRC voted on at its last meeting -- ordinance establishing violations for officers' failure keep their ID visible, and the resolution to disqualify for hiring at BPD, those with specified record of misconduct.
- The PRC's 2019 Annual Report has been finalized. It is posted online and hard copies will be mailed to Commissioners.
- The proposed Use of Force policy will be agendaized for a special meeting of the City Council on July 23, 2020.

7. CHIEF OF POLICE'S REPORT

Chief Greenwood reported:

- The City's budget for FY 2021 includes a 12% budget reduction for the BPD; will have significant impact on operations.
- He's been very busy keeping up with the 10 or 11 Council items affecting the police department.

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 – Meeting to be scheduled.
- b. Lexipol Policies Subcommittee – Awaiting availability of BPD to participate in meetings.

9. OLD BUSINESS (discussion and action)

- a. Continue to 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.

Motion to add, in Section 300.1.4, for the definition of Control Techniques, “such as batons” following “personal impact weapons.”

Moved/Second (Leftwich, Allamby) **Motion Failed**

Ayes: Allamby, Leftwich, Perezvelez.

Noes: Calavita, Mikiten, Mizell, Ramsey

Abstain: None Absent: Chang

Motion to add Section 300.3.7.1 Restraint and Control Devices, proposed by Comm. Calavita, reading:

“Restraint and control devices shall not be used to punish, to display authority or as a show of force. Handcuffs, body wraps and spit hoods shall only be used consistent with Policy 302. Batons, approved less-lethal projectiles, and approved chemical agents shall only be used consistent with Policy 303. As per City Council resolution (June 9, 2020), the use of tear gas by employees of the Berkeley Police Department, or any outside department or agency called to respond to mutual aid in Berkeley, is prohibited. Pepper spray or smoke for crowd control by employees of the Berkeley Police Department, or any outside department or agency called to respond to mutual aid in Berkeley, is prohibited during the COVID-19 pandemic, or until such time as the City Council removes the prohibition.”

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

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

Noes: None Abstain: None Absent: Chang

Motion to insert, in Section 300.4.1, Drawing and Pointing Firearms, second paragraph, first sentence, the word “only” after “Officers may.”

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

Ayes: Allamby, Calavita, Leftwich, Mizell, Perezvelez, and Ramsey.

Noes: Mikiten Abstain: None Absent: Chang

Motion to revise Section 300.4, Use of Deadly Force, first sentence, by replacing, “when the officer reasonably believes,” at the beginning of the sentence with “when the officer holds an objectively reasonable belief”; on the third line, inserting “objectively” before “necessary”; and in the fifth line, replacing “reasonably objective” with “objectively reasonable” preceding “belief.”

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

Ayes: Mikiten, Mizell, Perezvelez, and Ramsey.

Noes: Allamby, Calavita, Leftwich

Abstain: None Absent: Chang

Motion to send policy proposal recommendation to the City Council.

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

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

Noes: None

Abstain: None

Absent: Chang

By general consent the Commission authorized the PRC Officer to work with Commissioners Calavita and Perezvelez to put the finishing touches on the report to Council.

10. NEW BUSINESS (discussion and action)

a. Consider providing input to the City Council regarding the following items on the Council's July 14, 2020 agenda:

- i. Councilmember Bartlett's Budget Request to Hire a Consultant to Perform Police Call and Response Data analysis.
- ii. Councilmember Davila's proposal to Support Redistribution of City Resources and Operations from the Berkeley Police.
- iii. Councilmember Wengraf's referral to the City Manager to Re-imagine Policing Approaches to Public Safety Using a Process of Robust Community Engagement, to Develop a Path Forward to Transforming Public Safety and Policing in Berkeley.

(Discussed; no action taken.)

b. Proposed revision to the PRC Standing Rules, to delete Section C.2., which currently allows a commissioner to place only one item on an agenda per meeting.

Commissioner Calavita withdrew this item.

11. PUBLIC COMMENT

There were 3 speakers.

12. ADJOURNMENT

By general consent, the meeting was adjourned at 10:21 p.m.