



Police Review Commission (PRC)

DRAFT

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

**Wednesday, September 9, 2020
7:00 P.M.**

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

1. CALL TO ORDER & ROLL CALL BY CHAIR CALAVITA AT 7:03 P.M.

Present: Commissioner Kitty Calavita (Chair)
Commissioner Nathan Mizell (Vice-Chair) (left 8:40 p.m.)
Commissioner Michael Chang
Commissioner Juliet Leftwich
Commissioner Elisa Mikiten
Commissioner George Perezvelez (arrived 7:40 p.m.)
Commissioner Ismail Ramsey

Absent: Commissioner Gwen Allamby

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood, Capt. Rico Rolleri, Lt. Dan Montgomery

2. APPROVAL OF AGENDA

Motion to postpone Item #9.a. until the next meeting

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

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

Noes: None Abstain: None Absent: Allamby, Perezvelez

The remainder of the agenda was approved by general consent

3. PUBLIC COMMENT

There were no speakers.

4. APPROVAL OF MINUTES

The Regular Meeting Minutes of July 22, 2020 were approved by general consent.

5. CHAIR'S REPORT

-- Mayor's Working Group on Fair & Impartial Policing continues to meet. Next meeting is Sept. 16; meetings are open to the public. Some of the members have developed a package of recommendations and BPD has prepared responses. Working Group has asked to extend its work from mid-Sept, to mid-Oct. of this year.

6. PRC OFFICER'S REPORT

-- No new complaints filed since the last PRC meeting. Board of Inquiry held last Friday [two Fridays ago] and another BOI set for next week. Thanks to Commissioners who have served and will serve.

-- Upcoming Council items of interest on Sept. 15: 1) Councilmember Robinson's "No Revolving Door" proposal, to prevent hiring officers with records of serious misconduct, modified at PRC's suggestion; and 2) vote of no confidence in Police Chief.

-- On Council's Sept. 22 agenda is BPD's crime report (per Chief Greenwood, delayed 2019 crime report, updated 2020 report, and first annual use of force report, covering 2015 – 2019).

-- RFP for the consultant to manage the community engagement process for reimagining public safety has been published; available at www.cityofberkeley.info/rfp.

-- Items in agenda packet to note:

-- Applications sought for candidates for Redistricting Commission;

-- Clerk's email reminder that commissions can't take positions on candidates or measure, but individual commissioners may, as long as they make clear they are doing so in their personal capacity, not on behalf of Commission.

-- Mental Health Services Act proposed plan now open for comment.

7. CHIEF OF POLICE'S REPORT

Crime, budget, staffing, training updates, other items.

-- Hiring freeze in place. Currently 165 sworn. Capt. Ed Spiller and Sgt. Cesar Melero retired; promotions happening behind that. Ofcs. Rego, Perkins, and Kleppe will be promoted to Sgt. Chair Calavita will serve on interview panel for candidates for captain.

-- Downtown taskforce transitioning into bike patrol, for which 10 officers are in training. Will patrol downtown and Telegraph areas. Want to train and equip a cadre of 20 officers for use in operations, community engagement, and support 1st Amendment assemblies and demonstrations.

-- Staff tested 2 different software solutions for data collection required by RIPA (Racial Identity & Profiling Act). Chose one tool; being configured, and aim to go live Oct. 1. For every stop will code 20+ pieces of data. Long awaited and will inform conversations about policing. Can do demonstration for PRC if desired.

- As noted, presenting crime report and UOF report to Council Sept. 22. Can also present for PRC after that, if desired.

-- Sgt. Robert Rittenhouse selected to replace Sgt. Melero, joining Sgt. Cummings in Internal Affairs.

-- Sent out link to community video re the officer-involved shooting. Will release IA and OIS investigations to public when done; likely end of September.

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. Police Acquisition & Use of Controlled Equipment. Subcomm. Chair Mizell reported they've been meeting weekly and hope to have recommendation to PRC at its next meeting.
- b. Outreach Subcommittee. Comm. Mikiten reported on rethinking approach after listening to a NACOLE session on community engagement. But will wait to convene when Controlled Equipment Subcomm is done, due to overlap of 2 members.
- c. Lexipol Policies Subcommittee. PRC Officer asked Chief about staffing; he suggested when Controlled Equipment Subcomm. is done. (Also 2-commissioner overlap). Chief also mentioned overlap with his staff on Mayor's Working Group.

9. OLD BUSINESS (discussion and action)

- a. Berkeley Police Department policies on conducting searches of detainees on probation or parole: consider BPD's response to PRC's recommendation passed on February 5, 2020.
(Postponed to the next meeting.)

10. NEW BUSINESS (discussion and action)

- a. Review draft PRC Work Plan for 2020-2021.

Motion to approve the 2020-2021 Work Plan with a revision on p. 3, to state that review of the conversion of BPD General Orders into Lexipol policies should be completed this fiscal year.

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

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

Noes: None

Abstain: None

Absent: Allamby

- i) Review latest update of tasks and decide whether to update.

By general consent the Commission: added review of revised tear gas policy as a priority; deleted the BUSD shelter-in-place directive and media credentialing items; updated the probation/parole item to show BPD response has been received.

- b. **Policy complaint #2475:** Consider whether to accept the complaint, regarding conditions and alleged illegal activity around Ashby Avenue near Shellmound and Bay Streets, and determine how to proceed.

Motion to have staff inform the policy complainant that, upon discussion, the PRC did not see that the complaint raises a policy matter, but an enforcement matter, and therefore suggest that the complainant reach out to the BPD to report specific criminal incidents, and inform the complainant that he has the option of following up with a letter to his councilperson.

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

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

Noes: None

Abstain: None

Absent: Allamby, Mizell

11. PUBLIC COMMENT

There were no 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):

12. INFORMAL COMPLAINT FILED AUGUST 9, 2020 REGARDING INCIDENT OCCURRING AUGUST 5, 2020, AT A UNIVERSITY AVENUE BUSINESS.

Motion to ask staff to send one further email follow-up, to ask the complainant if they have obtained any further information or identify the source of the video; and to offer that we forward their email to the Chief, if they wish.

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

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

Noes: None

Abstain: None

Absent: Allamby, Mizell

End of Closed Session

13. ANNOUNCEMENT OF CLOSED SESSION ACTION

The Chair reported that the Commission voted to have PRC staff follow up with an email to the informal complainant

14. ADJOURNMENT

By general consent, the meeting was adjourned at 9:07 p.m.