



Police Review Commission (PRC)

DRAFT

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

**Wednesday, September 30, 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)
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

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

3. PUBLIC COMMENT

There were 10 speakers.

4. NEW BUSINESS (discussion and action)

- a. Proposed Ordinance on the Use and Acquisition of Controlled Equipment
 - i) Review and make recommendation to the Council Public Safety Policy Committee.

By general consent, the rules were suspended to allow John Lindsay-Poland 5 minutes to address the Commission.

Motion to adopt proposed language for “use” to be added at the end of Section 2.100.050(A)(1)(b): “For the purposes of this section, “use” is defined as the public deployment of equipment. Internal transfer and/or deployment of equipment (e.g. transferring a rifle from BPD to the car, vice versa) is exempt from use tracking.”

Moved/Second (Mizell/Calavita)

Substitute motion to add the language regarding “use” proposed by John Lindsay-Poland, following the first sentence of Section 2.100.050 (A)(1)(b): "For the purposes of annual reports, “use” of equipment shall refer to deployments in which equipment is publicly displayed or visible or is deployed in an operation or critical response, not to transfers of location or placement of equipment inside Department vehicles."

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

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

Noes: None Abstain: Ramsey Absent: Chang

Motion to insert, in subsection (8) of Section 2.100.020(A), definitions of Controlled Equipment, after “Specialized firearms,” “including the Colt M4”.

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

Ayes: Allamby, Calavita, Leftwich, Mizell

Noes: None Abstain: Mikiten, Perezvelez, and Ramsey

Absent: Chang

Motion to insert in Section 2.100.040, a new subsection (D), on temporary use in exigent circumstances, proposed by John Lindsay-Poland and revised by the PRC to read as follows:

(D) Notwithstanding the provisions of this Chapter, the Department may borrow, and/or temporarily use Controlled Equipment in Exigent Circumstances without following the requirements in Sections 2.100.030 and 2.100.040. However, if the Department does so, it must take all of the following actions:

- 1. Provide written notice of that acquisition or use to the City Council within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged;**
- 2. If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed Controlled Equipment Impact Report and Controlled Equipment Use Policy, as applicable, to the City Council within 90 days following the borrowing, acquisition or temporary use, and receive approval, as applicable, from the City Council pursuant to Sections 2.100.030 and 2.100.040; and**

3. Include the Controlled Equipment in the Department's next annual Controlled Equipment Report.

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

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

Noes: None Abstain: Mizell Absent: Chang

Motion to approve the Council involvement provided for in Section 2.100.400 subsections (D) and (G) [now (E) and (H)].

Moved/Second (Calavita/Leftwich)

Friendly amendment: that subsection (G)(2) [now (H)(2)] be deleted.

Moved by Perezvelez; accepted by Calavita and Leftwich.

Motion, as amended, Carried

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

Noes: None Abstain: Mikiten Absent: Chang

Motion to remove "for immediate consideration" from first sentence of Section 2.100.040(E)(1) [now (F)(1)].

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

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

Noes: None Abstain: None Absent: Chang

Motion to delete subsections (A)(2)(a) and (A)(2)(b) of Section 2.100.040.

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

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

Noes: None Abstain: Mikiten Absent: Chang

Motion to remove "shields" in subsection (A)(12) of Section 2.100.020, definitions of Controlled Equipment,

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

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

Noes: None Abstain: Mizell Absent: Chang

Motion to remove Subsection (A)(3) of Section 2.100.040 and write the City Council a separate memorandum.

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

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

Noes: None Abstain: Calavita Absent: Chang

Motion to adopt the ordinance language agreed upon so far with two caveats: 1) leaving a note about the LRAD discussion and 2) leaving a note about the enforcement section and how it might be overly burdensome.

Moved: Mizell

Motion failed for lack of second.

Motion to empower the PRC Chair and PRC Officer to send a letter to the Council Agenda & Rules Committee, with a copy to the Public Safety Policy Committee, advising that, due to the important issues raised by the proposed ordinance, the PRC needs to extend the time for its review to the Public Safety Policy Committee's November 2 meeting.

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

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

Noes: None

Abstain: None

Absent: Chang

ii) Designate Commissioner(s) to represent the PRC before the Council Committee and City Council.

(Postponed to the next meeting.)

5. PUBLIC COMMENT

There were 2 speakers.

6. ADJOURNMENT

By general consent, the meeting was adjourned at 11:02 p.m.