

Police Review Commission (PRC)

## POLICE REVIEW COMMISSION REGULAR MEETING

Wednesday, February 10, 2021, 7:00 P.M.

### **PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, this meeting of the City of Berkeley Police Review Commission will be conducted exclusively through teleconference and Zoom videoconference and there will not be a physical meeting location available.

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/87070468124>. If you do not wish for your name to appear on the screen, use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen. To join by phone: Dial 1 669 900 6833 and enter Meeting ID 870 7046 8124. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized.

### **AGENDA**

1. **CALL TO ORDER & ROLL CALL** (5 minutes)
2. **APPROVAL OF AGENDA** (5 minutes)
3. **PUBLIC COMMENT** (time TBD)

*(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on any matter within the PRC's jurisdiction at this time.)*

4. **APPROVAL OF MINUTES** (5 minutes)

Regular meeting of January 27, 2021.

The Police Review Commission (PRC) was created to provide independent civilian oversight of the Berkeley Police Department. It reviews and makes recommendations on police department policies, and investigates complaints made by members of the public against police officers. For more information, contact the PRC Office.

1947 Center Street, 1st Floor, Berkeley, CA 94704 • Tel: (510) 981-4950 • TDD: (510) 981-6903 • Fax: (510) 981-4955  
Email: [prc@cityofberkeley.info](mailto:prc@cityofberkeley.info) Website: [www.cityofberkeley.info/prc/](http://www.cityofberkeley.info/prc/)

**5. CHAIR'S REPORT**

Plan for completing PRC's policy work, including subcommittee work, by June 30, 2021; other items. (5 minutes)

Update from Comm. Mizell on Reimagining Public Safety Task Force. (2 minutes)

**6. PRC OFFICER'S REPORT (3 minutes)**

Status of complaints; other items.

**7. CHIEF OF POLICE'S REPORT (10 minutes)**

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

**8. SUBCOMMITTEE REPORTS (discussion and action) (5 minutes)**

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. Warrant Service Policy Subcommittee – next meeting Feb. 11, 11:30 a.m.
- b. Outreach Subcommittee
- c. Lexipol Policies Subcommittee

**9. OLD BUSINESS (discussion and action)**

- a. Police Department response to request to memorialize in a written policy the instructions agreed to on inquiring about supervised release status of detainees, and when searches of such persons are allowed. (10 minutes)
- b. Update on transition to new Police Accountability Board and Office of Director of Police Accountability. (10 minutes)  
From: PRC Officer

**10. NEW BUSINESS (discussion and action)**

- a. Recommend that the PRC communicate to the City Council the importance of starting the development of rules and regulations governing the operation of the incoming Police Accountability Board, with input from the PRC and the community. (10 minutes)  
From: Vice-Chair Chang
- b. Policy Complaint #2478 reviewed by Tow Fees Subcommittee (5 minutes)
  - i) Recommendation to refer to the Reimagining Public Safety Task Force to consider establishing a waiver or reduction in towing and storage fees, in the context of reviewing the impact of other fees, fines, and penalties.
  - ii) Dissolve the Tow Fees Subcommittee.

iii) Close Policy Complaint #2478.

From: Tow Fees Subcommittee

11. PUBLIC COMMENT (time TBD)

*(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on this agenda only.)*

12. ADJOURNMENT (1 minute)

**Communications Disclaimer**

Communications to the Police Review Commission, like all communications to Berkeley boards, commissions or committees, are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service. If you do not want your contact information included in the public record, do not include that information in your communication. Please contact the PRC Secretary via email for further information. City offices are currently closed and cannot accept written communications in person.



**Communication Access Information (A.R. 1.12)**

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date.

**SB 343 Disclaimer**

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public by being posted on the Police Review Commission's web page within three business days of the meeting.

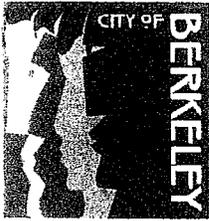
Contact the Police Review Commission at [prc@cityofberkeley.info](mailto:prc@cityofberkeley.info).



**PRC REGULAR MEETING ATTACHMENTS  
FEBRUARY 10, 2021**

<b><u>MINUTES</u></b>	
January 27, 2021 Regular Meeting Draft Minutes.	Page 7
<b><u>AGENDA-RELATED</u></b>	
Item 8. – PRC Subcommittees List, updated 1-29-21.	Page 11
Item 10.b. – Policy Complaint #2478.	Page 13
<b><u>COMMUNICATIONS</u></b>	
1-28-21 Email to the City Council Public Safety Policy Committee from the PRC Chair re Draft Ordinance on Police Acquisition & Use of Controlled Equipment – Annual Reporting section.	Page 17
2-8-21 Ashby + North Berkeley BART Station Planning, Community Workshop #2.	Page 19
1-28-21 Email from citizen re COB Feb. 9, 2021 NOTICE OF VIRTUAL PUBLIC HEARING and OPPORTUNITY TO COMMENT: Consolidated Plan and PY19 Annual Action Plan Amendments.	Page 21
2-2-21 Email from Commissioner Mikiten forwarding article re Policing task force applications due soon; racial equity town hall on hold.	Page 23
Police Review Commission Standing Rules (As of January 23, 2020).	Page 27





Police Review Commission (PRC)

DRAFT

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

Wednesday, January 27, 2021, 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 Michael Chang  
Commissioner Juliet Leftwich  
Commissioner Elisa Mikiten  
Commissioner Hans Isaac Moore  
Commissioner George Perezvelez  
Commissioner Ismail Ramsey

Absent: None

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood, Lt. Mel Turner

**2. APPROVAL OF AGENDA**

The agenda was approved by general consent

**3. PUBLIC COMMENT**

There 4 speakers.

**4. APPROVAL OF MINUTES**

The Regular Meeting minutes of January 13, 2021 were approved by general consent.

## 5. CHAIR'S REPORT

Chair Calavita reported:

- She attended NACOLE webinar on interpreting Use of Force statistics. Presentations given by Washington, DC and New Orleans oversight bodies, who write the UOF reports in those jurisdictions.
- Comm. Perezvelez was elected to NACOLE Board of Directors last Sept.
- This Friday, symposium being held by Berkeley Law, Center for Law and Society, and Center for Law and Work re Reforming Policing Through Changing Labor Relations.
- Reimagining Public Safety Task Force application on p. 31 of packet. Commissioner Mizell is PRC's representative to this task force. 3 at-large seats are open.
- This is her last meeting as Chair.

## 6. PRC OFFICER'S REPORT

The PRC Officer reported:

- Reimagining Public Safety Task Force application can also be downloaded from the home page of City's website.
- No new complaints filed since the last meeting. Board of Inquiry hearing scheduled for Friday, Feb. 5.
- FYI, Council passed Resolution No. 69,680-N.S. in December, regarding enforcement of stay-at-home orders.

## 7. CHIEF OF POLICE'S REPORT

Chief Greenwood reported:

- Staffing a continued concern. One recent resignation will take it down to 160 sworn. No lateral applications pending.
- Covid impact: Have had a number of positive cases. When others possibly exposed must quarantine until they test negative, a patrol team can lose several members at once for several days. Use overtime and sometime use bike officers to cover.
- Next quarterly report on overtime to Budget & Finance Committee late February. City shifting payroll systems, and might be able to extract more data.

Chief Greenwood answered questions from Commissioners.

## 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. Warrant Service Policy Subcommittee – Subcomm. Chair Ramsey reported they met Jan. 14; next meeting tomorrow at 3:00 p.m., when they will get presentation from BPD.
- b. Tow Fees Subcommittee – Will meet tomorrow at 4:30 p.m.

c. Outreach Subcommittee – Chair Calavita would like to revive this group.  
With the Commission’s consent, Chair Calavita appointed herself and public members George Lippman, and Hector Malvido to the Subcommittee.

d. Lexipol Policies Subcommittee – on hold for now.

**9. OLD BUSINESS (discussion and action)**

a. Proposed Acquisition & Use of Controlled Equipment Ordinance: revisit striking from the reporting requirement, use of controlled equipment included in a Use of Force report (in Section 2.100.050, Reports on the Use of Controlled Equipment).

**Motion to remove the exclusionary clause, “for any Controlled Equipment not included in a Use of Force Report,” with the understanding that the Commission will proceed to discuss wording in Section 2.100.050(A)(1)(b).**

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

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

**Noes:** None

**Abstain:** None

**Absent:** None

**Motion to remove, in section 2.100.050(A)(1)(b), the words “or visible.”**

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

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

**Noes:** None

**Abstain:** None

**Absent:** None

b. Update on transition to new Police Accountability Board and Office of Director of Police Accountability.

The PRC officer gave an update and answered questions.

**10. NEW BUSINESS (discussion and action)**

a. Ask the Police Department to issue a written policy containing the instructions agreed to on inquiring about supervised release status of detainees, and when searches of such persons are allowed.

Discussion begun; to be continued for Chief Greenwood to return with a proposed placement for the written policy.

b. Election of Commission Chairperson and Vice-Chairperson for 2021

**Motion to nominate Izzy Ramsey for PRC Chairperson**

**Moved/Seconded (Perezvelez/Calavita)**

**Motion to nominate Nathan Mizell for PRC Chairperson**

**Moved/Seconded (Calavita/Allamby)**

**Vote:**

Allamby – Mizell

Calavita – Mizell  
Chang – Ramsey  
Leftwich – Ramsey  
Mikiten – Ramsey  
Mizell – Mizell  
Moore – Ramsey  
Perezvelez – Ramsey  
Ramsey – Ramsey

**Izzy Ramsey was elected PRC Chairperson.**

**Motion to nominate Michael Chang for PRC Vice-Chairperson**  
Moved/Seconded (Perezvelez/Mikiten)

**Motion to nominate Gwen Allamby for PRC Vice-Chairperson**  
Moved by Mikiten; declined by Allamby

**Michael Chang was elected PRC Vice-Chairperson by acclamation.**

#### **11. PUBLIC COMMENT**

There were 3 speakers.

#### **12. ADJOURNMENT**

**By general consent, the meeting was adjourned at 9:58 p.m.**

POLICE REVIEW COMMISSION  
SUBCOMMITTEES LIST  
Updated 1-29-21

Subcommittee	Commissioners	Chair	BPD Reps
<b>Lexipol Policies</b> Formed 5-23-18 Renewed 5-22-19 Renewed 6-10-20	Elisa Mikiten Ismail Ramsey Juliet Leftwich		Capt. Rico Rolleri Sgt. Joseph LeDoux
<b>Use of Force Policy</b> Formed 7-10-19 Renewed 7-22-20	Michael Chang Juliet Leftwich George Perezvelez Ismail Ramsey	Perezvelez	Chief Andy Greenwood Capt. Rico Rolleri Lt. Joe Okies Lt. Spencer Fomby
<b>Outreach</b> Formed 6-10-20	Gwen Allamby Kitty Calavita Elisa Mikiten Nathan Mizell  <u>Public</u> George Lippman Hector Malvido		
<b>Police Acquisition and Use of Controlled Equipment Ordinance</b> Formed 7-22-20	Juliet Leftwich Elisa Mikiten Nathan Mizell	Mizell	Chief Andy Greenwood Capt. Rico Rolleri
<b>Warrant Service Policy</b> Formed 10-14-2020	Kitty Calavita Michael Chang Ismail Ramsey  <u>Public</u> Kitt Saginor	Ramsey	Lt. Daniel Montgomery Lt. Melanie Turner
<b>Tow Fees</b> Formed 11-18-20	Kitty Calavita Juliet Leftwich Nathan Mizell	Leftwich	Lt. Mike Durbin





# POLICY COMPLAINT FORM

Police Review Commission (PRC)

1947 Center Street, 1<sup>st</sup> Floor, Berkeley, CA 94704

Website: [www.ci.berkeley.ca.us/prc/](http://www.ci.berkeley.ca.us/prc/)

E-mail: [prc@ci.berkeley.ca.us](mailto:prc@ci.berkeley.ca.us)

Phone: (510) 981-4950 TDD: (510) 981-6903 Fax: (510) 981-4955

Received by PRC  
OCT 07 2020  
Date Received: \_\_\_\_\_

PRC CASE #

2478

1

Name of Complainant: Navarro Last, Monica First, Middle

Mailing Address: 940 Washington St. 407B San Francisco City, California State, 94108 Zip

Primary Phone: \_\_\_\_\_ Alt Phone: (\_\_\_\_) \_\_\_\_\_

E-mail address: \_\_\_\_\_

Occupation: unemployed Gender: Female Age: 50

Ethnicity:  Asian  Black/African-American  Caucasian

Latino/Hispanic  Multiethnic: \_\_\_\_\_  Other: \_\_\_\_\_

2

Identify the Berkeley Police Department (BPD) policy or practice you consider to be improper or would like the Commission to review.

Traffic Division Berkeley

My van was towed by the Berkeley Police Department and is stored in a private towing company as of Monday, October 5<sup>th</sup> 2020 I was told that I owe \$1200. People should have other options like having a hearing in order to reduce or remove the fees the towing company charges for towing and storing vehicles. Maybe the police should not use private towing companies but have their own facility to store vehicles being towed.

3

Location of Incident (if applicable) Spaulding Ave. & Allston Way, Berkeley

Date & Time of Incident (if applicable) According to an officer September 25<sup>th</sup> 2020

Provide a factual description of the incident that forms the basis of your complaint. Be specific and include what transpired, and how the incident ended.

In August of 2019, I left my home in Vallejo to move into La Casa De Las Madres, a domestic violence shelter in San Francisco. I filled up my unregistered vehicle with my belongings and whatever else I could fit in my van. When I arrived at the shelter there was no parking space or garage that I could use to store my van. I started getting a lot of parking tickets so I decided to leave my van in Berkeley close enough to the Bart Station but in a street where I didn't have to move the van every two hours. Before moving to the shelter I tried to register my van in the Vallejo DMV but because the registration notice had been sent to my last address in Oakland I had some late penalty charges and I did not have enough money to pay for registration and the penalties.

Right now I live in Gum Moon a transitional home in San Francisco, I don't have a job and I'm waiting for a response from Social Security because I applied to SSDI for a disability.

My van was towed on September 25<sup>th</sup> 2020 according to the Berkeley Police Department. I can register the van and pay for auto insurance but it is impossible for me to pay \$1200 in fees from the towing company that the Berkeley Police Department hired to tow and store my van. The fees are \$1200 as of October 5<sup>th</sup> 2020, everyday after the fees will increase. The towing company also told me that if I don't pay they will send the bill to a collections agency and that they will sell my van without my authorization.

I'm very sorry that my van was parked unregistered on the street but I had no other option. I used the van to get away from my abuser and had no option but to park it on the street.

I called the traffic division in Berkeley to see if they could help me but they said that there was nothing that they could do. Later, an officer called and told me to apply for the victims of crime program through the Alameda DA's office but according to them that could take a very long time for me to get any compensation and the fees for my van keep increasing every day. I called the victims of a crime program and the person that I spoke to told me that this program doesn't cover towing fees.

Please I'm just asking for you to look at the circumstances that drove me to make the decisions that I made and to help get rid of the fees from the towing company.

4

What changes to BPD policy, practice, or procedure do you propose?

I want to have a hearing so a judge can hear my side of the story. I'm willing to register the vehicle but under my circumstances I had no option but to park the vehicle on the street.

5

Use this space for any additional information you wish to provide about your complaint. (Or, attach relevant documentation you believe will be useful to the Commission in evaluating your complaint.)

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6

## CERTIFICATION

*I hereby certify that, to the best of my knowledge, the statements made on this complaint are true.*

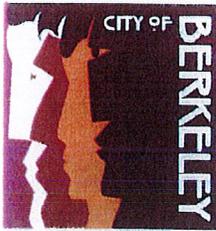
\_\_\_\_\_  
Monica Navarro  
Signature of Complainant

October 7, 2020  
Date

How did you hear about Berkeley's Police Review Commission?

- Internet
- Publication: \_\_\_\_\_
- Referral: \_\_\_\_\_
- Other: \_\_\_\_\_





Police Review Commission

January 28, 2021

To: City Council Public Safety Policy Committee  
From: Kitty Calavita, Chair, <sup>KE km K9F</sup> Police Review Commission  
Re: Draft Ordinance on Police Acquisition & Use of Controlled Equipment – Annual Reporting section

This is to advise that the Police Review Commission revisited the section of the recommended ordinance regulating Police Acquisition and Use of Controlled Equipment (“Controlled Equipment Ordinance”) pertaining to the annual reporting requirement. The debate centered on whether the annual report on Controlled Equipment should include or exclude equipment included in a Use of Force report.

The portion of Section 2.100.050 in question (using Councilmember Harrison’s draft, submitted Dec. 2, 2020) reads:

(A) Annual Report on Controlled Equipment

(i) The Police Department shall submit a report on Controlled Equipment to the Police Review Commission within one year of approval, and annually thereafter for as long as the Controlled Equipment is available for use. ~~for any Controlled Equipment not included in a Use of Force report.~~ The report shall be provided no later than March 15<sup>th</sup> of each year, unless the Police Review Commission advises the Department that an alternate date is preferred. The Department shall also make each annual report publicly available on its website for as long as the Controlled Equipment is available for use. The annual report shall, at a minimum, include the following information for the immediately preceding calendar year:

- (a) Production descriptions for Controlled Equipment and inventory numbers of each product in the Police Department’s possession.
- (b) A summary of how Controlled Equipment was used. For the purposes of annual reports, “use” of equipment shall refer to deployments in which equipment is publicly displayed or visible<sup>1</sup>, or is deployed in an operation or critical response, not to transfers of location or placement of equipment inside Department vehicles.

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<sup>1</sup> Emphasis added for purposes of discussion below.

The phrase stricken and in red, “for any Controlled Equipment not included in a Use of Force Report,” was inserted by the Police Review Commission Subcommittee that first reviewed the ordinance and then approved by the full PRC. It appeared in the version of the ordinance sent to you for your November 2, 2020 meeting. Councilmember Harrison subsequently proposed to strike the language.

At its January 27, 2021 meeting, the PRC renewed its discussion about inserting that phrase, and heard from Chief Greenwood about his concerns over deleting it. The debate revolved around duplication of reporting and the administrative burden of reporting, versus the transparency afforded by such reporting, as well as the actual extent of duplication. As a procedural matter, concerns were raised about revisiting a decision that had already been agreed to, but there was consensus that the significance of the exclusionary language had not been well understood.

Ultimately, the PRC voted to reverse its earlier decision, with the proviso that language appearing later in the section be revised, to address the Police Department’s concern about the burden of having to keep track of and report the mere visibility of Controlled Equipment to the public. This change is intended to ease the tracking and reporting requirement while still fulfilling the ordinance’s goal of transparency of police activities.

On the motion to remove the exclusionary clause, “for any Controlled Equipment not included in a Use of Force Report,” with the understanding that the Commission will proceed to discuss wording in Section 2.100.050(A)(1)(b), the vote was unanimous: Moved/Second (Calavita/Perezvelez): Ayes – Allamby, Calavita, Chang, Leftwich, Mikiten, Mizell, Moore, Perezvelez, Ramsey.

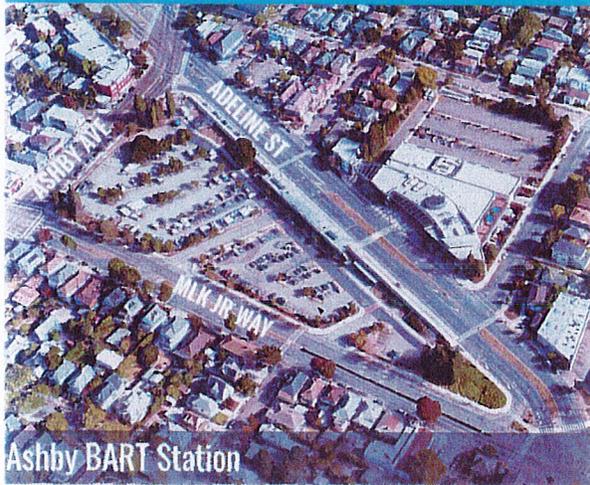
On the motion to remove, in Section 2.100.050(A)(1)(b), the words “or visible,” the vote was also unanimous: Moved/Second (Perezvelez/Mikiten): Ayes – Allamby, Calavita, Chang, Leftwich, Mikiten, Mizell, Moore, Perezvelez, Ramsey.

cc: Chief Andrew Greenwood  
PRC Commissioners

# ASHBY + NORTH BERKELEY BART STATION PLANNING COMMUNITY WORKSHOP #2

February 8, 2021, 6pm - 8pm

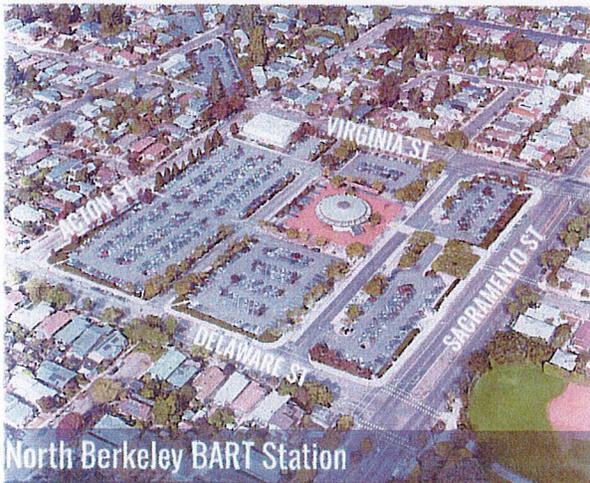
Join by Zoom: <http://bit.ly/Berkeley-BART-CM2> (Ensure Zoom software is updated to Version 5.0 or higher)  
 Meeting ID: 979 3568 4068 Meeting Password: 872131  
 Dial in: (669) 900-6833 or (888) 475-2299 (toll free)



Ashby BART Station

## What are the project objectives?

The City of Berkeley and BART are collaboratively planning the future of the Ashby and North Berkeley stations as Transit Oriented Development (TOD) opportunities, to help provide affordable housing, public open spaces, and improve access and mobility for all. This is a multi-year, multi-phase process that is starting with preparation of zoning and site planning parameters.

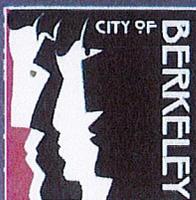
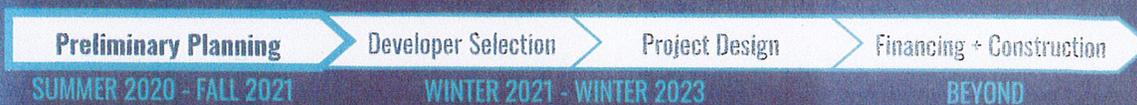


North Berkeley BART Station

## How can I get involved?

Participate in an upcoming community meeting to learn about Vision and Priorities related to housing, building forms, and public spaces. This meeting will provide opportunities to learn about project objectives, community goals, and to share your input.

### Planned Project Timeline



For questions, contact:  
[bartplanning@cityofberkeley.info](mailto:bartplanning@cityofberkeley.info)

For more information, visit:  
[www.cityofberkeley.info/bartplanning](http://www.cityofberkeley.info/bartplanning)



Lee, Katherine

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**From:** Babka, Rhianna  
**Sent:** Thursday, January 28, 2021 5:11 PM  
**To:** Babka, Rhianna  
**Subject:** COB Feb. 9 , 2021 NOTICE OF VIRTUAL PUBLIC HEARING and OPPORTUNITY TO COMMENT: Consolidated Plan and PY19 Annual Action Plan Amendments  
**Attachments:** Changes ESGCV Expenditures 012221 (002).pdf; PublicNotice\_ConPlanAmendment2\_PY19AAP2.pdf

Dear Key Stakeholders & Community Partners,

This email contains important information regarding opportunities for public comment on the City's expenditure of Housing and Urban Development (HUD) funds. **Please post and/or distribute the attached flyers regarding this virtual public hearing and opportunity to comment.**

**NOTICE OF PUBLIC HEARING  
CITY OF BERKELEY**

**REQUEST FOR COMMENTS ON ITS  
CONSOLIDATED PLAN (2020-2025) AMENDMENT #2 – CARES ACT &  
PY19 (FY20) ANNUAL ACTION PLAN AMENDMENT #2**

The public is invited to review and comment on the City of Berkeley's **1) Consolidated Plan Substantial Amendment #2** for Housing and Community Development that covers the period July 1, 2020 through June 30, 2025 including the City of Berkeley's FY 2021 Annual Action Plan, which covers the period July 1, 2020 through June 30, 2021, and **2) the PY19 Annual Action Plan Substantial Amendment #2** covering funds from the period of July 1, 2019 through June 30, 2020. The comment period will conclude at the **February 9, 2021 Public Hearing** in front of City Council.

The Consolidated Plan amendment is to allow the City of Berkeley to receive and administer an additional \$891,121 in Community Development Block Grant coronavirus (CDBG-CV) funding from the US Department of Housing and Urban Development (HUD) made available through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

The PY19 Annual Action Plan amendment is to shift Community Development Block Grant (CDBG) funds from public facilities rehabilitation to housing rehabilitation.

The City of Berkeley will be hosting a **virtual public hearing during a regularly scheduled City Council meeting on Tuesday February 9<sup>th</sup>, 2021, at 6pm** to discuss this amendment. Agenda materials for this item and instructions on how to access this meeting can be found on the [City of Berkeley Council Agenda webpage](#).

**PROPOSED CHANGES TO ESG-CV EXPENDITURES**

In addition to the Amendments mentioned above, the City is proposing to adjust the Emergency Solutions Grant CARES Act (ESG-CV) expenditure plan, while staying within budget and eligible activities. Proposed changes include a slight decrease in funds for rapid rehousing, increase in funds for emergency shelter and street outreach, and an increase in funds for the HMIS activities. Please refer to the memo (attached and [on the webpage](#)) regarding the proposed ESG-CV for additional information.

Thank you,

Rhianna Babka  
City of Berkeley  
Housing and Community Services  
2180 Milvia Street, 2nd Floor  
Berkeley, CA 94704  
(510) 981-5410 (tel)  
(510) 981-5450 (fax)  
rbabka@ci.berkeley.ca.us

**Please note:** Many City of Berkeley physical offices have limited hours and operations due to COVID-19. Please refer to the [City's website](#) for the most up-to-date information on City services and COVID -19.

**Please note:** As a cost saving measure the City of Berkeley is closed the 2nd Friday of every month. Additional closures may occur. For the latest City Closures and Holidays please check the City of Berkeley Homepage at [www.ci.berkeley.ca.us](http://www.ci.berkeley.ca.us).

Lee, Katherine

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From: Elisa Mikiten <elisa@mikitenarch.com>  
Sent: Tuesday, February 2, 2021 3:57 PM  
To: Lee, Katherine  
Subject: Policing task force applications due soon; racial equity town hall on hold

**WARNING:** This email originated outside of City of Berkeley.  
**DO NOT CLICK ON** links or attachments unless you trust the sender and know the content is safe.

For the entire PRC

<https://www.berkeleyside.com/2021/02/02/policing-task-force-applications-berkeley-california>

## **Policing task force applications due soon; racial equity town hall on hold**

By [Emilie Raguso](#) Feb. 2, 2021, 2:03 p.m.

Community members hoping to help [reimagine policing in Berkeley](#) have until Monday to [get their applications in](#).

The city is working to create a new task force to help change the city's approach to policing, crisis intervention, violence prevention and community safety. Members of the new group will work with the National Institute for Criminal Justice Reform and "serve as a hub for community engagement" for Berkeley's efforts "reimagine public safety."

Task force members should be "people active in the Berkeley community who can bring subject expertise in relevant topics or speak from their own experience as a member of a historically marginalized or impacted community, using [criteria identified by the City Council](#)."

Much of the task force work is slated to take place during the spring and summer of this year, although the city said the process may take longer. Applicants will need to provide demographic information, two references, and a written statement explaining how their background qualifies them to serve on the policing task force.

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### Racial equity town hall postponed

The policing task force is part of a broader effort by the city of Berkeley to bring issues of race and equity to the forefront.

As part of that work, the city had planned to hold an online town hall Thursday to “identify opportunities to improve racial equity” across existing city services. But, as of this week, that event has been postponed.

The town hall “will be rescheduled to help the City identify more opportunities to improve racial equity in City services,” Berkeley announced Monday with no further explanation.

“Racial and social equity have long been core values in our work as a City,” the city wrote in its description of the town hall event. “Nonetheless, we know that Berkeley is not immune to the deep, systemic inequities present across our nation. As we continuously strive to improve equity in service delivery, we want to engage our community in an open dialogue and hear from you directly about what’s working, where we can improve, and what we can do to best bring marginalized voices into the conversation.”

### Other police reform efforts are still underway

City staff, officials and community members have been working since last year to “create a new paradigm of public safety in Berkeley, which aims to re-focus Police Department work on violent and criminal matters while redirecting some funding currently spent on policing to violence prevention and diversion programs, including those targeted on domestic violence, youth outreach, mental health, housing and homeless services, and restorative justice,” the city has said.

The initiative, which the Berkeley City Council approved in an omnibus package last year, has multiple prongs:

- A new Specialized Care Unit pilot program to respond to non-criminal emergency calls
- A new Department of Transportation made up of unarmed civilian employees who would “administer parking regulations and traffic laws”
- Audits of the police department budget and 911 calls to see how resources might be reallocated

The city manager [posts regular updates](#) about all of these efforts on the city website and describes them during City Council meetings.

Stay tuned for news on the city police reform efforts as more information becomes available.

*Subscribe to [Berkeley's announcements page](#) for updates about this event and other news from the city.*

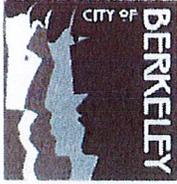
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## Police Review Commission

### Standing Rules

(As of January 23, 2020)

#### *A. PURPOSE*

These Standing Rules are established by the Police Review Commission to ensure transparency and efficiency of our operations.

#### *B. AMENDMENTS AND REVISIONS*

Amendments and revisions to these Standing Rules shall be adopted by a majority vote of the Police Review Commission, except that the Commission may not adopt rules that conflict with the enabling Ordinance, Commissioners' Manual, or Regulations for Handling Complaints Against Members of the Police Department.

#### *C. AGENDA ITEMS – REGULAR MEETINGS*

1. Individual commissioners shall submit agenda items to the commission secretary by 12:00 noon one week before the meeting date. (This will almost always be a Wednesday.)
2. A commissioner may place only one item on the agenda per meeting, and may not add items to the agenda unless prior agenda items from that commissioner have been cleared. "Cleared" means that the Commission has either completed its consideration of the item, or agreed to move forward with the item by, for instance, forming a subcommittee or considering the issue as a whole commission, in which case the item belongs to the Commission, not the individual commissioner.

#### *D. COMMUNICATIONS*

Individual commissioners shall submit communications to be included in the agenda packet to the commission secretary by 12:00 noon one week before the meeting date to ensure inclusion in the packet. Communications received after this deadline and before 3:00 p.m. on the meeting day will be distributed in hard copy at the meeting, and may also be distributed to commissioners via email. If communications are received after 3:00 p.m. on the meeting day, the commission secretary will make every effort, but cannot guarantee, to have hard copies available at the meeting.

#### *E. MEETING PROCEDURES*

1. items shall be introduced by the commission member or staff member who proposed the item. The Chair shall then allow an initial period for discussion by recognizing commissioners in rotation to ensure that each commissioner has the opportunity to speak before a commissioner is allowed to speak again.

Commissioners are allowed a maximum of two minutes to speak each time they are given the floor.

2. After a motion on the item is made and seconded, the Chair will recognize the maker of the motion, and then the seconder, to speak. After that, the Chair will recognize commissioners in rotation, giving each commissioner the opportunity to speak before a commissioner is allowed to speak again. Commissioners are allowed a maximum of one minute to speak each time they are given the floor, and must confine their remarks to the merits of the motion. The Chair may give the maker of the motion an additional minute to speak before putting the matter to a vote.
3. A pending motion may be modified by a "friendly amendment"; that is, by a proposed amendment that is accepted by the maker and seconder of the motion.
4. Action on a motion may be by either voice or general consent. In either case, the Chair shall ask the commission secretary to repeat the motion before the action.
5. Guest speakers who are not on the agenda may address the commission only by general consent, or upon a formal motion.
6. None of these procedural rules shall supersede the procedures set forth in Robert's Rules of Order.

#### *F. PUBLIC COMMENT*

1. The Chair, subject to the consent of the commission, may determine the time limit for each speaker and the total number of speakers.
2. Before an agenda item is heard, the Chair or Vice-Chair may poll members of the public present to determine if a significant number of them wish to speak on a particular agenda item. If so, the Chair or Vice-Chair may move that public comment on that item can be heard just before the item.

#### *G. POLICY COMPLAINTS AND REVIEWS*

1. An inquiry into a policy, when initiated by a civilian filing a policy complaint form, is a "policy complaint."
  - a) The procedures for handling a policy complaint are set forth in Section II.A.4.b. of the Regulations for Handling Complaints Against Members of the Police Department.
  - b) Additionally, a public comment period shall be agendized immediately preceding consideration of the policy complaint, limited to comments on that complaint. Policy complainants will be allowed to speak for five minutes. Other members of the public will be allowed up to three minutes; the time allotted is subject to the discretion of the Chair, who will consider the number of persons wishing to speak. Commissioners may ask policy complainants brief questions. The BPD will be given an opportunity to respond to the commission.
2. A commission-initiated policy review may commence upon a majority vote of the commissioners.

- a) Commissioners shall then determine how to proceed. Possible actions include, but are not limited to: considering the issue as whole commission, assigning a commissioner to research the issue, asking staff to investigate or research, or establishing a subcommittee. If a subcommittee is created it will seek BPD involvement in its policy review and, upon completing its review, will present its conclusions and recommendations to the full commission.
- b) The full commission may recommend to the BPD, City Manager, or City Council that the BPD adopt a new policy, revise an existing policy, or take no action.

#### *H. REGULAR MEETINGS*

Regular meetings shall be held on the second and fourth Wednesday of the month, except in the months of August, November, and December. The commission shall not meet in August, and shall meet only on one Wednesday of the month in November and December. Exceptions shall be made when a meeting day falls on a religious holiday.

Regular meetings shall commence at 7:00 p.m., and shall be held at the South Berkeley Senior Center and other locations as may be determined by the commission.

#### *I. ELECTIONS*

1. Annual elections for PRC Chair and Vice-Chair will be agendized for the second regular meeting in January and, whenever possible, this item will be agendized as the final item under New Business.
2. The election of the Chair will precede the election of the Vice-Chair, and the following nomination and election process will be followed for each office:
  - a) The presiding Chair declares the nomination process open.
  - b) A commissioner nominates another commissioner or him/herself. A commissioner must be present in order to be nominated.
  - c) The nomination is seconded (the nomination fails if there is no second)
  - d) The presiding Chair declares the nomination process closed, when there are no further nominations.
  - e) Each nominee is allowed two (2) minutes to express their reason for seeking the position. A nominee may decline this opportunity.
  - f) Commissioners pose questions to each candidate.
  - g) The presiding Chair calls for a roll vote and then announces the winner, except in the following circumstances:
    - i. If there is only one nominee for a position, the presiding Chair may seek or move a vote by acclamation.
    - ii. If a tie occurs among nominees, the presiding Chair will conduct a second round of voting, including any additional nominations.

- iii. If a clear winner is still not identified after a second round of voting, the presiding Chair will conduct a coin toss to break the tie and determine a winner. The PRC Secretary will assign "heads" and "tails."
3. The PRC Secretary will record the maker and the second of the nomination motion as well as the total votes and results per office.
4. The outgoing Chair and Vice-Chair will be given the opportunity to make 2-minute departing statements after the election process takes place. The newly-elected Chair and Vice-Chair will assume their positions at the end of the meeting.

*J. APPOINTMENT OF MEMBERS OF THE PUBLIC TO SUBCOMMITTEES*

1. In accordance with the PRC Ordinance, the Chair may appoint members of the public to subcommittees in which they have expressed an interest, subject to approval of the commission. Members of the public seeking to serve on a subcommittee must: a) be residents of the City of Berkeley; and b) present themselves at a commission meeting before or at the time of the appointment and speak on the public record on intent to serve and what they will bring to the subcommittee work and deliberations.
2. Members of the public appointed to subcommittees shall enjoy the same voting rights and privileges on the subcommittee, as that of PRC commissioners appointed to the subcommittee, except that public members may not be selected to be the subcommittee Chair.
3. Commission members must constitute a majority of the membership of any subcommittee, but a subcommittee may convene and conduct business even if commissioners are not a majority of subcommittee members present
4. The term of appointment for members of the public appointed to subcommittees shall not exceed the life of the subcommittee. If a subcommittee must be reauthorized, any members of the public serving on the subcommittee must be reappointed by the Chair, subject to the approval of the commission.
5. A public member of a subcommittee who is absent from two consecutive subcommittee meetings is automatically removed from the subcommittee, but may be reinstated by the Chair if good cause for the absences is shown.
6. The Chair, subject to the approval of the commission, may remove a member of the public from a subcommittee for good cause. Examples of good cause are: failure to work cooperatively with subcommittee members; unruly or disruptive behavior at meetings; or failure to participate in the work of the subcommittee.
7. All actions by the Chair to appoint, reappoint, or remove a member of a public to or from a subcommittee shall occur at a commission meeting.

#### *K. MUTUAL AID AGREEMENTS*

The commission shall constitute a mutual aid subcommittee no later than the first meeting in February of each year to review the pacts between the BPD and other law enforcement entities.

#### *L. SUBCOMMITTEE NOTES*

Each PRC subcommittee must produce written notes of what occurred at each subcommittee meeting. These notes must be forwarded to the PRC Officer, who will post the notes to the PRC's website

#### *M. ANNUAL REPORT*

The commission secretary shall endeavor to present the annual report for the commission's approval no later than June 1 of each year. The Foreword shall be written by the commissioner who served as Chair in the year of the report.

#### *N. FAMILIARITY WITH BERKELEY POLICE DEPARTMENT*

Within the first 6 months of their appointment, newly-appointed commissioners shall endeavor to:

- 1) complete a ride-along with a sworn police officer, and
- 2) meet with Chief of Police and his/her command staff.

#### *O. KNOWLEDGE OF APPLICABLE LAWS AND RULES*

Commissioners should be generally knowledgeable of the Police Review Commission's enabling Ordinance (Ordinance No. 4644-N.S.; B.M.C. Chapter 3.32), the Regulations for Handling Complaints Against Members of the Police Department, and these Standing Rules. They should also bring copies of these documents to all commission meetings.

#### *P. COMMENDATIONS OF BERKELEY POLICE DEPARTMENT PERSONNEL*

1. The PRC regularly receives copies of communications praising Berkeley Police Department (BPD) personnel for noteworthy service; these commendations are both external (from members of the public) and internal (from fellow BPD or City of Berkeley employees). This process shall be used when the PRC desires to bestow additional recognition upon those BPD personnel, or when a commissioner on his or her own initiative wants the PRC to recognize BPD personnel.
2. The PRC may commend or otherwise honor with a special award or recognition an individual sworn officer or civilian employee of the BPD, or a group of officers and/or employees of the BPD, such as a team or division.
3. The commission secretary shall agendize commendations the PRC receives from the BPD periodically, as received. A commissioner wishing to initiate a commendation or other honor from the PRC shall submit the proposal to the commission secretary for placement on the PRC agenda in accordance with

Section C of these rules. The proposal shall include the name of the person or group to be honored, and a description of the noteworthy action.

4. For the PRC to issue a commendation or other honor, the BPD officer, employee, or group must be found to have performed an extraordinary service or performed in an extraordinary manner that meets one or more of the following criteria:
  - a) Exceptional valor, bravery, or heroism;
  - b) Superior handling of a difficult situation;
  - c) An action or performance that is above and beyond typical duties.
5. A motion to commend or otherwise honor BPD personnel shall include the act or incident giving rise to the honor and describe how it meets the above criteria. The motion must receive a majority of affirmative votes of commissioners present at the meeting to pass.
6. Following the meeting, the commission secretary shall communicate the PRC's action in writing to the Chief of Police, with a request that the commendation or other honor be placed in the personnel file of each sworn officer or civilian employee commended.

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