



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

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

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

1. CALL TO ORDER & ROLL CALL BY CHAIR RAMSEY AT 7:00 P.M.

Present: Commissioner Ismail Ramsey (Chair)
Commissioner Michael Chang (Vice-Chair) (arrived 7:08 p.m.)
Commissioner Gwen Allamby
Commissioner Kitty Calavita
Commissioner Juliet Leftwich
Commissioner Elisa Mikiten
Commissioner Nathan Mizell
Commissioner Hans Moore
Commissioner George Perezvelez

Absent: None

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Capt. Rico Rolleri, Lt. Robert Rittenhouse, Sgt. Jumaane Jones,
Ofc. Carlos Maldonado (BPA)

2. APPROVAL OF AGENDA

Motion to approve the agenda, with the removal of Item #10.a., Lexipol policies.

Moved/Second (Allamby/Calavita) **Motion Carried by general consent**

3. PUBLIC COMMENT

There was 1 speaker.

4. APPROVAL OF MINUTES

a. Regular meeting of February 24, 2021.

Motion to approve Regular Meeting minutes of February 24, 2021.
Moved/Second (Allamby/Perezvelez) **Motion Carried by general consent**

b. Special meeting of March 2, 2021

Motion to approve Special Meeting minutes of March 2, 2021.
Moved/Second (Calavita/Allamby) **Motion Carried by general consent**

5. CHAIR'S REPORT

Chair Ramsey reported:

- Still trying to get as much subcommittee work done as possible.
- Police Accountability Board applications due March 29.
- Recommendations from the Mayor's Working Group on Fair & Impartial Policing were approved by City Council. Next steps in implementation and role for PRC and PAB being developed.

Comm. Mizell reported on Reimagining Public Safety Task Force: Haven't met since last PRC meeting; next meeting tomorrow at 6 pm. On agenda are introduction of 3 at-large task force members and several presentations: Brown Act by City Attorney's Office; NICJR on their plan; City Manager re concurrent projects re public safety; City Auditor overview of calls for service audit.

6. PRC OFFICER'S REPORT

The PRC Officer reported:

- Following up re Mayor's Working Group, today's agenda packet includes annotated agenda with recommendations adopted by Council.
- Two new complaints filed since the last meeting. One filed by subject of the officer-involved shooting on Jan. 2. Per PRC Regulations, investigation cannot begin as long as criminal charges are still pending.
- Council's Public Safety Policy Committee met March 1; did not complete discussion on Controlled Equipment Ordinance. Will continue at special meeting of Committee on March 29 at 10:30 a.m.
- PRC Officer sat in on interviews for Special Response Team.

7. CHIEF OF POLICE'S REPORT

Captain Rolleri reported:

- Chief Greenwood announced retirement, as of Friday (March 12). Down to 158 sworn, as low as it's been in 26 years.
- Still grappling with budgetary issues. Constantly a difficult and moving target.
- Completed all Use of Force training last month.
- Responding to commissioner questions from last meeting:
 - Whether commissioners can attend future UOF scenario training? Yes; in fact BPD had already discussed presenting this idea to PRC and Council. Need at least 5 or more people to participate and put them through scenarios.

Why we're having problems hiring while BART and others are not? Untrue that other agencies aren't having problems. Oakland PD has 786 authorized positions but only have 718; in last decade averaged 1000s of applicants, now getting 100s. BART PD authorized for 244, but down 17 positions; offering \$15K signing bonus for laterals and dropped college requirement. Alameda PD -- 88 authorized but at 61. San Leandro PD -- 90 authorized but at 85.

Examples of problems with BPD with Policy 300? Many -- pages and pages. Majority of confusion is Level 1 – grabbing and handcuffing, as lots of ambiguity in the way policy worded. Additional time needed by Blue Team to investigate every single UOF; becoming problematic.

Why in revised Police 311 is certain language dropped (“However, under Berkeley policy, . . .”)? Chief didn't feel pertinent.

Capt. Rolleri 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 – Met March 2.
- b. Outreach Subcommittee – Co-Chair Mikiten reported: Have established agenda for special meeting / webinar for public to be held March 13, 4 - 5 p.m. Goal is to increase applicant pool for the Police Accountability Board.
- c. Lexipol Policies Subcommittee – Meeting tomorrow, March 12, at 2:00 p.m.
- d. Use of Force Policy Subcommittee

Motion to disband the Use of Force Policy Subcommittee with the understanding that the Police Accountability Board should form a new subcommittee when the time comes to review the UOF policy.

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

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

Noes: None

Abstain: Mikiten

Absent: Calavita

(Commissioner Calavita absent 7:54 – 8:02 p.m.)

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: review revised Policy 311.

Motion to recommend to the Police Department to add “However,” before “Officers shall not detain” in section 311.6 of Policy 311, Search and Seizure.

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

Ayes: Allamby, Calavita, Chang, Leftwich, Mizell, Moore.

Noes: None
Absent: None

Abstain: Mikiten Perezvelez, Ramsey

- b. Update on transition to new Police Accountability Board and Office of Director of Police Accountability, including:
 - i) Applications for Board members now available; due date extended to March 29.
 - ii) Continue discussion about development of rules and regulations governing the operation of the incoming Police Accountability Board, with input from the PRC and the community.

PRC Officer gave an update and answered questions.

- c. Review commendations of BPD employees and consider additional commendations from the PRC.
 - i) Re-review commendations on pp. 25 - 27 (of Feb. 24, 2021 packet), in light of additional information obtained about officers' roles.

No action taken.

- ii) New nominations for commendations

Motion to commend Officer Geoffrey Mitchell, Student Resource Officer at Berkeley High School, for going above and beyond official duties, by mentoring, counseling, and tutoring students, especially students of color, including in football study hall; mentoring foster children; and for donating 8 – 10 hours per week on these activities.

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

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

Noes: Allamby

Abstain: Mizell, Moore, Ramsey

Absent: None

10. NEW BUSINESS (discussion and action)

- a. Lexipol Policies for review and approval:

Withdrawn by PRC Officer.

- b. Consider amending the PRC Standing Rules, Section P, regarding Commendations of Berkeley Police Department Personnel.

- i) Add a new criterion in Subsection 4 for issuing commendations, to read as follows:

d) Extraordinary compassion, empathy or kindness.

Motion to add a new criterion in subsection 4 of Section P of the PRC Standing Rules to read as follows: “d) Extraordinary compassion, empathy or kindness.”

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

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

Noes: None

Abstain: Mizell

Absent: None

- ii) In Subsection 6, regarding handling of PRC's actions, add language to the effect that the PRC's letters of commendation be forwarded to the City Council as communications.

Motion to insert language [indicated by brackets] into subsection 6 of Section P of the Standing Rules, so that it reads, "Following the meeting, the commission secretary shall communicate the PRC's action in writing [to the City Council, and shall also forward the commendation] 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."

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

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

Noes: None

Abstain: Calavita, Mizell

Absent: None

- c. Consider sending a letter of thanks and commendation to Chief Andrew Greenwood on the occasion of his retirement.

Motion to direct the PRC Officer and the PRC Chair to write, on behalf of the Commission, a letter of thanks and commendation to Chief Greenwood on the occasion of his retirement.

Moved/Second (Chang/Perezvelez)

Friendly amendment: that a draft letter of the letter be returned to the PRC for review and possible revisions.

Moved by Mizell; Accepted by Chang and Perezvelez

Motion, as amended, Carried by general consent

11. PUBLIC COMMENT

There were no speakers.

12. ADJOURNMENT

Motion to adjourn

Moved/Second (Mizell/Calavita) **Motion Carried by general consent.**

The meeting was adjourned at 8:55 p.m.