



Police Review Commission (PRC)

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

**Wednesday, September 27, 2017**  
**7:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY CHAIR LIPPMAN AT 7:05 P.M.**

Present: Commissioner George Lippman (Chair)  
Commissioner Gwen Allamby (Vice-Chair)  
Commissioner Clarence Ford  
Commissioner Sahana Matthews  
Commissioner Andrea Prichett  
Commissioner Terry Roberts  
Commissioner Mary Kay Lacey (temporary)

Absent: Commissioners George Perezvelez, Ari Yampolsky

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Lt. Angela Hawk, Sgt. Shawn Cummings

**2. APPROVAL OF AGENDA**

**With the postponement of Item #9.h. to the next meeting, the agenda was approved by general consent.**

**3. PUBLIC COMMENT**

There were 3 speakers.

**4. APPROVAL OF MINUTES**

**Motion to approve Regular Meeting Minutes of September 6, 2017**

Moved/Seconded (Roberts/Allamby) **Motion Carried**

Ayes: Allamby, Ford, Lippman, Matthews, Prichett, and Roberts.

Noes: None Abstain: Lacey Absent: Perezvelez, Yampolsky

**5. CHAIR'S REPORT**

-- Attended meeting of Council Committee on Urban Shield and NCRIC. Still getting organized. Involving stakeholders.

-- Agenda: Would like to take things in this order tonight: 9.a., 9.b., 9.c., 9.f., 9.g. (and 10.a.) and then 9.d.

**6. PRC OFFICER'S REPORT**

-- Have been working with Boalt law school staff and on a project where students will represent complainants at BOIs. City administration concern about publicizing the project without appearing partial to complainants. At PRC's request, PRC Officer to write letter to administration requesting explanation of why Boalt project cannot be included on list of complainant advocates on PRC website.

-- Draft 2016 Annual Report distributed tonight. While on tonight's agenda, don't expect action, but now have two weeks to review and take action at next meeting.

-- Surveillance Ordinance status: PRC Officer placed on Council's agenda for Sept. 12 meeting based on her understanding of Commission desire; pulled per Chair's request. Will put back on when Chair advises.

**7. CHIEF OF POLICE'S REPORT**

Lt. Angela Hawk reported on behalf of Chief Greenwood:

-- Two more officers retired, now at 160 sworn. Still trying to recruit and hire.

-- Been very busy with protests.

PRC Officer reported what Chief told her re Body-Worn Cameras yesterday: the equipment has arrived; waiting for Public Works to do necessary infrastructure upgrades; BPA has requested Meet & Confer, which hasn't been scheduled yet.

Questions:

-- Capt. Reece was seen taking photos with a cell phone on Saturday, Aug. 26; what is the protocol for police taking photos?

-- Susan [Sarah] Roark arrested for carrying a banned weapon at Bancroft & Bowditch but she was carrying a cardboard sign. Meantime, her mug shot plastered all over, raising concern about damage to someone's reputation.

**8. SUBCOMMITTEE REPORTS (DISCUSSION & 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. Fair & Impartial Policing Subcommittee

Moving swiftly; meeting tomorrow night at North Berkeley Sr. Center.

b. General Orders C-64, etc. Subcommittee

Need to schedule next meeting.

- c. Homeless Encampment Subcommittee  
Need to schedule next meeting; work almost done.
- d. June 20, 2017 Subcommittee (Review of BPD Response at City Council meeting)  
  
Meeting on Oct. 4 to take public testimony; probably one more meeting after that to get recommendations together.
- e. Re-establish Mutual Aid Pacts Subcommittee and appoint members  
  
No new volunteers for subcommittee; still awaiting this year's new and revised agreements from BPD.
- f. Whether to reinstate Media Credentialing Subcommittee; if so establish scope of work

**By general consent, the Commission agreed to put this item over until 2018.**

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

- a. Review of and response to draft CPE report.  
*Discussion; no action taken.*
- b. Prioritization of Commission tasks.  
*Discussion; no action taken.*
- c. Continue policy review of General Order W-1, Public Recording of Law Enforcement Activity (Right to Watch): consider draft of new policy.

**Commissioner Matthews withdrew her pending motion.**

**Motion to amend the main motion by revising the paragraph currently numbered 2. under the PROCEDURES section to read:**

**2. that the observer's actions or communications do not jeopardize the safety of the officer conducting the inquiry nor the safety of the person who is the subject of the officer's attention. An officer may instruct an observer to maintain a safe distance from the scene. In such an instance, the officer shall provide clear directions on what an individual can do to be compliant; directions shall be specific enough to allow compliance.**

Moved/Seconded (Matthews/Prichett) **Motion Carried**

Ayes: Allamby, Ford, Lippman, Matthews, Prichett, Roberts. and Lacey  
Noes: None Abstain: None Absent: Perezvelez, Yampolsky

**Motion that a clean version of the proposed General Order reflecting changes made to date be provided and that the PRC Officer circulate it to Commissioners, who will have a one more opportunity to suggest changes, which must be in writing and in time to be included in next agenda packet.**

Moved/Seconded (Prichett/Roberts) **Motion Carried**

Ayes: Allamby, Ford, Lippman, Matthews, Prichett, Roberts. and Lacey

Noes: None      Abstain: None      Absent: Perezvelez, Yampolsky

- d. Consider amendments to PRC regulations regarding challenge to a commissioner seated on a BOI.  
*(Item postponed to the next meeting.)*
- e. Support for Council Committee on Urban Shield participation and NCRIC relationship; observations of PRC Commissioners who attended Urban Shield exercise Sept. 8 or 9.  
*(Item postponed to the next meeting.)*
- f. Proposal for plan for professional development/training of BPD officers.  
*(Heard following Item #9.c.)*  
*Discussion to be continued at next meeting.*
- g. Review recently enacted public safety rules and Urgency Ordinance, and lack of consultation with the PRC in their passage.

**Motion to send the letter as written to Mayor and City Council with a copy to the City Manager.**

Moved/Seconded (Allamby/Matthews)

**Friendly amendments; all accepted by Allamby/Matthews:**

Commissioner Lacey:

**Replace the paragraph preceding the paragraph numbered 1. with:**

**“Our concerns center on the process by which these two Council decisions were made, and the failure of the Council to seek the input of the PRC prior to making its decisions.”**

Commissioner Lacey:

**Delete the second part of the last sentence paragraph number 2. at the top of p. 2, so that it reads, “The new policy allows officers to administer the chemical in a crowd setting.”**

Commissioner Lacey:

**In third paragraph on p. 2, rewrite the second sentence to read, “However, we believe the process under which the vote occurred needs to be addressed to ensure the community’s participation in government through the commission structure.”**

Commissioner Matthews:

**“Here are some of the concerns the PRC and community members have about these two actions.”**

Commissioner Lippman:

**Delete the paragraph numbered 3. on page 2.**

**Motion, as amended, Carried**

Ayes: Allamby, Ford, Lippman, Matthews, Prichett, and Lacey

Noes: Roberts      Abstain: None      Absent: Perezvelez, Yampolsky

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

- a. Review Council action revising policy regarding use of pepper spray in crowd control and resulting changes to General Order U-2; revision of General Order C-64 regarding timing of After-Action Report, and lack of consultation with the PRC in seeking these changes.  
*(Item postponed to the next meeting.)*
- b. Completion and release of After-Action Reports to the PRC, and possible request to the City Council or City Manager.  
*(Item postponed to the next meeting.)*
- c. Rescind Standing Rule prohibiting non-Berkeley residents from sitting as community members on PRC subcommittees.  
*(Item postponed to the next meeting.)*
- d. Review and approval of 2016 Annual Report  
*(Item postponed to the next meeting.)*
- e. Police Department’s timeline for implementation of body-worn camera program, including finalization of General Order governing use and access to video.  
*(Item postponed to the next meeting.)*

**11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

Attached.

**12. PUBLIC COMMENT**

There was 1 speaker.

**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):

**13. CONSIDER STAFF RECOMMENDATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2426**

**Motion to approve Complaint #2426 for administrative closure.**

Moved/Seconded (Roberts/Matthews) **Motion Failed**

Ayes: Ford, Roberts. Noes: Lippman Abstain: Prichett, Matthews, Lacey  
Absent: Allamby (recused), Perezvelez, Yampolsky

**End of Closed Session**

**14. ANNOUNCEMENT OF CLOSED SESSION ACTION**

The failed vote on the motion to close Complaint #2426 was announced.

**15. ADJOURNMENT**

**By general consent, the meeting was adjourned at 10:17 p.m.**