



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, January 10, 2018
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR LIPPMAN AT 7:10 P.M.

Present: Commissioner George Lippman (Chair) (left 10:10 p.m.)
Commissioner Gwen Allamby (Vice-Chair) (left 10:02 p.m.)
Commissioner Clarence Ford (left 10:03 p.m.)
Commissioner George Perezvelez
Commissioner Andrea Prichett
Commissioner Terry Roberts
Commissioner Michael Sherman
Commissioner Ari Yampolsky (arrived 7:45 p.m.)
Commissioner Rigel Robinson (temporary)

Absent: Commissioner Sahana Matthews

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Sgt. Katherine Smith (left 8:25 p.m.); Sgt. Rashawn Cummings

2. APPROVAL OF AGENDA

With the following changes: to remove the first portion of Item #9.b. at Commissioner Ford's request, and allow the complainant in Complaint #2435 (Item #14) to speak in closed session following Item #7; the agenda was approved by general consent.

3. PUBLIC COMMENT

There were 6 speakers.

4. APPROVAL OF MINUTES

Regular Meeting of December 13, 2017.

Motion to approve Regular Meeting Minutes of December 13, 2017

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

Ayes: Allamby, Ford, Lippman, Prichett, Roberts, Sherman, and Robinson.

Noes: None Abstain: Perezvelez Absent: Matthews, Yampolsky

5. CHAIR'S REPORT

-- At its Jan. 23, 2018 meeting, the Council will be considering the Surveillance Ordinance from the PRC, though Council might not take a vote that night.

-- Also on Jan. 23 Council agenda is the PRC's report on Fair & Impartial Policing, as an Information Item.

-- Commissioner Sherman reported on Council's consideration of PRC's recommendation to repeal the recent change to the Pepper Spray policy.

6. PRC OFFICER'S REPORT

-- Two new complaints filed since the last PRC meeting.

-- Two BOIs upcoming. Please respond promptly when PRC investigator asks you (Commissioners) to serve on a BOI.

-- List of tasks distributed. Will issue a survey asking to categorize items from #1 - #5. Imperative that the long list of tasks be prioritized.

-- No responses yet re jail and property room tour for those who didn't attend last time.

-- Cards from Peter Dumont of Star Alliance were passed along; he is offering to do a presentation to the PRC.

-- Will follow up with Chief on list of officers who had undergone CIT training and curriculum of Principled Policing training.

7. CHIEF OF POLICE'S REPORT

Sgt. Smith reported on behalf of the Chief:

-- Command staff is working on staffing issues; planning for March 28 timesheet and will report to PRC when finalized.

-- Captains will be rotating: Capt. Reese from Professional Standards to Operations; Capt. Louis from Operations to Support Services; Capt. Hart from Support Services to Professional Standards; Capt. Spiller will remain in Investigations.

Sgt. Smith answered questions from the Commissioners.

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. General Orders C-64, etc. Subcommittee – Next meeting tentatively Weds., Jan. 17, 2018.

- b. Homeless Encampment Subcommittee – Have been going through the various policies; every City department seems to have their own protocols on how a person retrieves their property. Next meeting Tuesday, Jan. 16, 2018, 7:00 p.m. at South Berkeley Senior Center.
- c. June 20, 2017 Subcommittee (Review of BPD Response at City Council meeting) – Had its last meeting just before this meeting and will be presenting a report and recommendations to the Commission on Jan. 24.
- d. Fair & Impartial Policing Subcommittee
-- Dissolve Subcommittee

Motion to dissolve the Fair & Impartial Policing Subcommittee

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

Ayes: Allamby, Ford, Lippman, Perezvelez, Prichett, Roberts, Sherman, Yampolsky, and Robinson.

Noes: None

Abstain: None

Absent: Matthews

- e. Mutual Aid Pacts Subcommittee
 - i) Discuss and approve remaining subcommittee recommendations:
 - A. NCRIC (Northern California Regional Intelligence Center)
Motion to support the current policy for one year while the PRC fully studies the matter in cooperation with the City Manager and the BPD, and make specific recommendations when the study is complete.
Moved/Seconded (Roberts/Perezvelez)
Substitute motion to recommend a one year moratorium on BPD's participation with NCRIC while PRC reviews the City Manager/BPD-supplied information about how the BPD-NCRIC relationship functions.
Moved/Seconded (Allamby/Prichett) **Motion Carried**
Ayes: Allamby, Ford, Lippman, Prichett, and Robinson.
Noes: Roberts, Sherman, and Yampolsky
Abstain: Perezvelez Absent: Matthews
 - B. All remaining BPD agreements and understandings
(Item postponed to the next meeting.)
 - ii) Discuss and approve recommendation from subcommittee member:
Law Enforcement Mutual Aid Plan
(Item postponed to the next meeting.)
 - iii) Dissolve subcommittee or consider renaming
(Item postponed to the next meeting.)

9. OLD BUSINESS (discussion & action)

- a. Review and consider next steps regarding City Council's October 31, 2017 action revising the reporting requirements in General Order U-2, Use of Force. *(Item postponed to the next meeting.)*
- b. Proposal to create a new subcommittee to identify where more civilian authority and oversight over the police department is warranted, with the goal of recommending changes to or a restructuring of the Police Review Commission. *(This portion of item withdrawn by Commissioner Ford.)*
 - i.) Review and consider next steps regarding City Council's November 14 action on broader or longer-term changes to PRC structure and authority. *(Item postponed to the next meeting.)*
- c. Proposal for BPD Accountability Plan, including professional development/training of BPD officers, department budget, etc. *(Item postponed to the next meeting.)*
- d. Review specially equipped panel van use policy. *(Item postponed to the next meeting.)*
- e. Consider whether to accept Policy Complaint #2433 and, if accepted, what steps to take. *(Item postponed to the next meeting.)*
- f. Decide how to address City Council referral regarding City's enrollment in the Department of Defense 1033 Program. *(Item postponed to the next meeting.)*

10. NEW BUSINESS

- a. Elections of PRC Chairperson and Vice-Chairperson

Motion to postpone the elections of Chairperson and Vice-chairperson to the next meeting.

Moved/Seconded (Robinson/Prichett)

Substitute motion to hold elections now.

Moved/Seconded (Perezvelez/Sherman) **Motion Carried**

Ayes: Allamby, Ford, Perezvelez, Roberts, Sherman, and Yampolsky.

Noes: Lippman, Prichett, Robinson Abstain: None Absent: Matthews

Motion to nominate Michael Sherman for PRC Chairperson

Moved/Seconded (Perezvelez/Roberts)

Motion to nominate Sahana Matthews for PRC Chairperson

Moved/Seconded (Robinson/Prichett)

Vote:
Allamby – Sherman
Ford - Matthews
Lippman - Matthews
Perezvelez - Sherman
Prichett - Matthews
Roberts - Sherman
Sherman - Sherman
Yampolsky – Matthews
Robinson - Matthews

Sahana Matthews was elected PRC Chairperson

Motion to nominate Michael Sherman for PRC Vice-Chairperson
Moved/Seconded (Yampolsky/Robinson)

Motion to nominate George Lippman for PRC Vice-Chairperson
Moved/Seconded (Prichett/Allamby)

Vote:
Allamby – Lippman
Ford - Lippman
Lippman - Lippman
Perezvelez - Sherman
Prichett - Lippman
Roberts - Sherman
Sherman - Sherman
Yampolsky – Sherman
Robinson - Lippman

George Lippman was elected PRC Vice-Chairperson

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There were 2 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):

13. PETITION FOR REHEARING IN COMPLAINT #2422

Motion to accept the staff recommendation to deny the Petition for Rehearing in Complaint #2422.

Moved/Seconded (Perezvelez/Sherman) **Motion Carried**

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

14. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2435

The complainant was allowed to address the Commission in closed session following Item #7.

Motion to approve Complaint #2435 for administrative closure because the complaint is frivolous.

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

Ayes: Perezvelez, Prichett, Roberts, Sherman, Yampolsky, and Robinson.

Noes: None Abstain: None

Absent: Matthews, Allamby, Ford, Lippman

15. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2424

(Item postponed to the next meeting.)

End of Closed Session

16. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

17. ADJOURNMENT

By general consent, the meeting was adjourned at 10:25 p.m.