



Police Review Commission (PRC)

Kehepi 9.2

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

**December 9, 2015
7:00 P.M.**

**South Berkeley Senior Center
2939 Ellis Street, Berkeley**

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

- Present:** Commissioner Alison Bernstein (Chair)
Commissioner Jerry Javier
Commissioner George Lippman
Commissioner George Perezvelez (Vice Chair)
Commissioner Michael Sherman
Commissioner Kad Smith
Commissioner Ayelet Waldman
Commissioner Ari Yampolsky
- Absent:** Commissioner Terry Roberts
- PRC Staff:** Katherine J. Lee, PRC Officer
- BPD Staff:** Chief Michael Meehan (left 7:32 p.m.) Lt. Dan Montgomery, Sgt. Ben Cardoza, Ofc. David Bartalini (left 9:00 p.m.)

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

3. PUBLIC COMMENT

There was one speaker. (Heard following Item #5.)

4. APPROVAL OF MINUTES

- a. Motion to approve Special Meeting minutes of October 21, 2015**
Moved/Seconded (Sherman/Perezvelez) Motion Carried
Ayes: Bernstein, Javier, Lippman, Perezvelez, Sherman, and Yampolsky.
Noes: None Abstain: Smith, Waldman Absent: Roberts

b. Motion to approve Regular Meeting Minutes of November 18, 2015

Moved/Seconded (Perezvelez/Sherman) Motion Carried

Ayes: Bernstein, Javier, Lippman, Perezvelez, and Sherman.

Noes: None Abstain: Smith, Waldman, Yampolsky Absent: Roberts

5. CHIEF OF POLICE'S REPORT

- Crime: rate still higher than last year, but lower than the first half of the year.
- Budget: over budget on overtime pay. Even though the dept. is at 95% of its authorized force, OT is needed to backfill. Hiring pool very low right now and other departments are hiring.
- Training: City is one of first in state to have formal credentialing system for training people to work in the Emergency Operations Center.
- PRC's list of work items: request to consider that BPD has a limited capacity for projects and prefer that the Commission focus on big picture items.
- The 5th annual MLK community breakfast will be Monday, January 18, 2016; the event is the largest MLK Day event in Berkeley.

Questions:

- Removal of people and property from Liberty City: frequency; authority; means of getting property returned?

The property has been picked up by Parks or Public Works, is stored, and can be claimed. Citations were issued for violations of Penal Code sec. 647(e), lodging on public property, following repeated warnings from the City Manager's office.

Dismantling of Liberty City led not by BPD but team of city workers, including HHCS, PW, Parks & Rec, and mental health professionals. Distinction bt. blocking the sidewalk and lodging on public property without consent.

- Overtime effect on budget?

Over budget on the line items, but closely balanced by salary unspent for unfilled positions.

- Implementation of beat plan: how is that going?

The number of officers and calls for service remain substantially the same and shouldn't affect response times. Lt. Montgomery responsible for analyzing; perhaps another 4 – 6 months.

- What big picture items were you referring to?

Use of force, de-escalation, community trust, and other issues critical to the community.

- When will we get data analysis from the Center for Policing Equity?

Don't know, but will ask.

- EBRCS (East Bay Regional Communications System) update?

Communicating with other agencies never the issue; problems were having an encrypted channel, which is still being worked on, and recording, which has been addressed.

- What constitutes blocking the sidewalk such that 647(e) violated?

Need to consult with City Attorney.

6. OLD BUSINESS (DISCUSSION AND ACTION)

- a. Create a workplan by prioritizing policy reviews and other postponed matters, and decide how to proceed, which may include forming subcommittees.
(Referencing Attachment 1 to Agenda, PRC Priority List.)

By general consent, the Commissioners added the following items to the To-Do List: 21. Media credentialing, 22. Review of BPD budget, and 23. BPD preparedness and capacity to respond to terrorist threats; and then voted on their top ten list of priorities, as reflected in Attachment 1 to these minutes.

By general consent, the Commission formed a Subcommittee on Body-Worn and Dash Cameras.

Chair Bernstein appointed the following Commissioners to the Subcommittee: Lippman, Yampolsky, Javier, Roberts.

- b. Review commendations of BPD staff from August through December 2014, and identify those worthy of particular recognition.

By general consent, the Commissioners singled out the following officers and other BPD staff for special recognition; and asked the PRC Officer to write a letter to the Chief informing him of such and to publish their names in the meeting minutes:

Ofc. Robin Fuentes

Det. Glenn Pon

Ofc. Stephanie Polizziani

Ofc. Stephen Burcham

Sgt. Mary Kusmiss

Ofc. Shan Johnson

Ofc. Nathan Patrick

Sgt. Emily Murphy

CSO Jess Schwarck

Ofc. Jitendra Singh (twice)

Res. Ofc. Kevin Fong

Ofc. Brian Mathis

Ofc. Victor Martinez (twice)

Ofc. Beau Hunt

Ofc. Christopher Waite

Ofc. Richard Marin

Ofc. Edward Galvan

- c. Establish 2016 Regular Meeting schedule.

By general consent, the Commissioners adopted the proposed meeting schedule for 2016.

7. NEW BUSINESS (discussion and action)

Request to review BPD's plans or orders for enforcing recently-enacted ordinances regarding conditions on sidewalks and other public places (Ordinance Nos. 7,448-N.S., 7,449-N.S., and 7,450-N.S.).

By general consent, the Commission asked the PRC Officer to write a letter to the Chief asking if the Department plans to issue a General Order, Training Bulletin, or Captain's instruction regarding enforcement of these Ordinances.

8. CHAIR'S REPORT

- The Chair attended the December 1, 2015 Council meeting, but the PRC's Investigative Report was not heard, and is now scheduled for the December 15 meeting.
- The PRC holiday gathering will be held on the afternoon of January 3, 2016.

9. PRC OFFICER'S REPORT

- The status of individual complaints was announced.
- Consideration of the BPD's Mutual Aid Pacts was also postponed from the Council's December 1 meeting to the December 15 meeting.
- A report on the 2015 NACOLE conference was given.
- There was a discussion about Caloca appeals and their relationship, if any, to the Internal Affairs discipline process. The PRC Officer will prepare a report on of sustained allegations in BOI hearings and resultant Caloca appeals.

10. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

11. PUBLIC COMMENT

There were two speakers.

Closed Session

12. WHETHER TO ACCEPT LATE-FILED COMPLAINT

Complaint #2387

Motion to approve Late File as timely.

Moved (Lippman) Motion failed for lack of second.

End of Closed Session

13. ANNOUNCEMENT OF VOTE RESULTS FROM CLOSED SESSION

The lack of a vote to accept the late-filed complaint was announced.

14. ADJOURNMENT

Motion to adjourn the meeting was carried by general consent.

Meeting was adjourned at 10:00 p.m.

PRC Priority List

As decided at the December 9, 2015 meeting

Top Ten List (NOT in order of most votes)	Notes
Investigation into BPD response on Dec. 7 & 8, 2014	Subcommittee to be formed
Revision of General Orders, incl. C-64, U-2, M-2	Subcommittee to be formed
Body worn and dash cameras (Note: report due to City Clerk by February 25)	Subcommittee formed. Members are Javier, Lippman, Roberts and Yampolsky.
Fair and Impartial Policing (includes racial profiling concerns and evaluation and review of recently-released stop data)	Subcommittee to be formed.
Policy review re Identification of race on traffic citations	Assign to F&I Policing Subcommittee
G.O. W-1: Right to Watch	Agendize
BPD acquisition of non-military armored vehicle	Agendize
Review of BOI procedures and underlying authority (Copley Press, PSOBRA, BPA v. COB, etc.)	Staff to prepare memo.
Review of pending regulation changes, and discussion of possible actions, including promulgation and implementation of agreed upon regulation changes and report to Council	Agendize
Media credentialing policy	Subcommittee to be formed.
High priority; other action	
General Order regarding treatment of Transgender Persons	Comm. Perezvelez to draft and submit proposed G.O. for PRC's consideration. (Subcommittee to be dissolved.)
Additional items to be agendized	
McKinley Ave. Staging – policy review	Staff to contact Capt. Greenwood to return for final report.
Propose all BPD Use of Force Reports be sent to PRC within 21 days	
Request for Intelligence report from Chief Meehan, as required under General Order C-1, for at least the last three years	
Commissioner training on law and police procedures	Begin Spring 2016.

PRC Priority List

As decided at the December 9, 2015 meeting

Remaining items	
Outreach – community awareness of who the PRC is and what it does	
Policy review re Smoking Control Ordinance	On 7-15-15, PRC authorized further action as memorialized in 8-7-15 letter from PRC Officer to Chief expressing concerns and making requests.
Policy review of Citations to bicyclists running red lights	(A. Bernstein would like to add “Idaho stop” issue)
How to read CAD reports	
Evaluation of City policies regarding seizure and storage of homeless persons’ property	
Achieving agreement with BPD regarding consultation on all new and changes to G.O.s	
Protest guide on BPD website	
BPD budget review	
BPD preparedness and capacity	Comm. Roberts’ item