



Police Review Commission (PRC)

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

**Wednesday, October 26, 2016**  
**7:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY CHAIR PEREZVELEZ AT 7:06 P.M.**

Present: Commissioner George Perezvelez (Chair)  
Commissioner Terry Roberts (Vice Chair)  
Commissioner Kimberly DaSilva  
Commissioner Jerry Javier  
Commissioner George Lippman  
Commissioner Michael Sherman  
Commissioner Ari Yampolsky (arrived 7:25 p.m.)

Absent: Commissioners Alison Bernstein, Kad Smith.

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Lt. Mike Durbin, Sgt. Ben Cardoza, Sgt. Sean Ross

**2. APPROVAL OF AGENDA**

**The agenda was approved by general consent.**

**3. PUBLIC COMMENT**

There was 1 speaker.

**4. APPROVAL OF MINUTES**

**Motion to approve Regular Meeting Minutes of October 13, 2016**

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

Ayes: DaSilva, Javier, Lippman, Perezvelez, Roberts, Sherman.

Noes: None      Abstain: None      Absent: Bernstein, Smith, Yampolsky

**5. CHAIR'S REPORT**

None.

## 6. PRC OFFICER'S REPORT

- Case deadlines report distributed. One new case filed since the last meeting.
- PRC Officer sat on interview panel for investigator for BART Office of Independent Auditor.
- Only one meeting next month, November 9.
- PRC Officer will be on vacation next week.

## 7. CHIEF OF POLICE'S REPORT

Lt. Durbin reported on behalf of Chief Greenwood:

- 168 sworn. Over 20 in background investigations. Chief interviewed 4 candidates last week and made 4 job officers to laterals. Focus still to hire the best and also achieve diversity; the four are Hispanic female; Hispanic male; Black female, White male.
- Increase in robberies in Northeast part of town last few weeks; uptick in auto burglaries in West.
- Crowd control training Nov. 3; the second group of three. Will have direct contact with trainers on that date and get immediate feedback on the new G.O. [C-64]. Not waiting for 3<sup>rd</sup> group before changes incorporated.
- Commander's Guide has gone to Frankel for distribution to Command staff; they'll have a week from tomorrow to review; and then give feedback. PRC will have input before finalized.
- CPE report from Chief Greenwood: CPE has our stop data and related policies, but has not yet written our report. Most of their energies went into recently-completed Austin PD stop data report, which is available for viewing on the internet; search for White House data initiative and Austin PD report. Gives you an idea what our report will look like. CPE unable to give a time frame.
- Chief Greenwood will be forwarding 5 years of use-of-force data for CPE to analyze.

## 8. OLD BUSINESS (discussion & action)

- a. Status of General Order W-1, Right to Watch.  
*(Item postponed to the next meeting to include consideration of Lexipol Policy 426.)*
- b. Review draft of response to City Manager's September 12, 2016 letter regarding the standard of proof used in BOI hearings.  
*(Item postponed to the next meeting.)*
- c. Policy regarding publication of communications from the public to the PRC – continue discussion on form and content of reporting of informal and formal complaints to Commission.

**Motion to accept the proposal of the PRC officer as set forth in her memo of October 21, 2016, and that, as to the quarterly digest of formal**

**complaints to be discussed confidentially in closed session, commissioners should see subject officer's names.**

Moved/Seconded (Lippman/Yampolsky) **Motion Carried**

Ayes: Javier, Lippman, Roberts, Sherman, and Yampolsky.

Noes: DaSilva, Perezvelez Abstain: None Absent: Bernstein, Smith

**Motion to ask the PRC officer to look into the advisability of furnishing members of a BOI with a subject officer's appearance at prior BOIs and the outcome, if any.**

Moved/Seconded (Yampolsky/Javier) **Motion Carried**

Ayes: DaSilva, Javier, Lippman, and Yampolsky.

Noes: Perezvelez, Roberts, Sherman Abstain: None

Absent: Bernstein, Smith

- d. Review of BPD marijuana enforcement report.

*(Item postponed to the next meeting.)*

- e. Certificate of appreciation for former Chief Meehan

**Motion to accept the recommended wording of a certificate of recognition for former Chief Meehan, and to authorize the PRC staff to format and frame the certificate, and send it to him.**

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

Ayes: DaSilva, Javier, Lippman, Perezvelez, Roberts, Sherman, and Yampolsky.

Noes: None Abstain: None Absent: Bernstein, Smith

- f. Proposed changes to Standing Rules regarding procedures for election of PRC Chair and Vice-Chair

**Motion to amend the standing rules by approving the proposal appearing as agenda item #8.f., with the following three amendments to Sections 2. 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 will may seek or move a vote by acclamation.**
- ii. **If a tie occurs among nominees, the presiding Chair will conduct a second round of balloting voting, and possible 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."**

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

Ayes: DaSilva, Javier, Lippman, Perezvelez, Roberts, Sherman, and Yampolsky.

Noes: None Abstain: None Absent: Bernstein, Smith

- g. Commission's list of tasks and prioritization.

**By general consent, the Commission agreed to make the issue of ABC enforcement in the South Campus area a Group III priority, to be discussed when the agenda is less full, and to make the subject of BPD's recruitment efforts a Group III priority unless a commissioner wishes to move it up.**

PRC Officer has a plan to work with BPD staff on the policy review on searches of vehicles and persons based on odor of marijuana, so no need to prioritize.

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

- a. Review of handout on significant laws and court cases affecting scope and powers of the Berkeley PRC; discussion of applicability to aspects of the BOI process.

*(Discussion to be continued at next meeting.)*

- b. Commendations of BPD personnel January through June 2016.

*(Item postponed to the next meeting.)*

**10. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS (discussion & action)**

- a. General Orders C-64, etc. Subcommittee

No action.

- b. Fair & Impartial Policing Subcommittee

Report given.

**Motion to approve the Subcommittee's outreach letter, as amended.**

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

Ayes: DaSilva, Javier, Lippman, Perezvelez, Roberts, Sherman, and Yampolsky.

Noes: None

Abstain: None

Absent: Bernstein, Smith

- c. Mutual Aid Pacts Subcommittee

Report given.

- d. Media Credentialing Subcommittee

PRC Officer to schedule meeting.

- e. Surveillance and Community Safety Ordinance Subcommittee

Report given. Next meeting November 2.

- f. Outreach Subcommittee

No action.

**11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

Attached.

**12. PUBLIC COMMENT**

There was one 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 matters:

**13. REVIEW OF CALOCA DECISION**

Complaint #2380

*(Item postponed to the next meeting.)*

***End of Closed Session***

**14. ADJOURNMENT**

By general consent, the meeting was adjourned at 10:04 p.m.