



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, November 9, 2016
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY VICE-CHAIR ROBERTS AT 7:06 P.M.

Present: Commissioner Terry Roberts (Vice Chair)
Commissioner Alison Bernstein (left 9:15 p.m.)
Commissioner Kimberly DaSilva
Commissioner George Lippman
Commissioner Michael Sherman (left 8:40 p.m.)
Commissioner Kad Smith
Commissioner Ari Yampolsky

Absent: Commissioner George Perezvelez (Chair)

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood, (left 9:30 p.m.) Sgt. Ben Cardoza, Sgt. Sean Ross

2. APPROVAL OF AGENDA

By general consent, the agenda was approved with one change, to move Item #9.a. to follow Item #7.

3. PUBLIC COMMENT

There were no speakers.

4. APPROVAL OF MINUTES

The following corrections to the minutes of the October 26, 2016 regular meeting were requested:

In Item #9.a., add “the issue of” in front of “ABC enforcement” and add “the subject of” in front of “BPD’s recruitment efforts”.

In Item #8.f., the language of the amendments agreed upon should be shown somewhere.

In Item #7, 5th point, replace “have” [yet written our report] with “has not.”

Motion to approve Regular Meeting Minutes of October 26, 2016, with the corrections noted above.

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

Ayes: DaSilva, Lippman, Roberts, Sherman, Yampolsky

Noes: None Abstain: Bernstein, Smith Absent: Perezvelez

5. CHAIR’S REPORT

No report.

6. PRC OFFICER’S REPORT

- Jerry Javier resigned from the Commission effective yesterday. Commissioner Sherman expressed appreciation for his service; others encouraged to email their thanks directly to Mr. Javier as they see fit.
- No new complaints filed since the last meeting; Complaint #2407 went to mediation and is now closed.
- Upcoming BOI hearing on Wednesday (11/15) with Commissioners Bernstein, Roberts and Sherman.
- City offices will be closed Friday, 11/11, for Veteran’s Day.
- The Center for Policing Equity’s report on the Austin, TX PD is in this week’s packet; per Chief Greenwood, it is an example of what the report for Berkeley might look like.
- PRC Officer asked Comm. Bernstein to report on the Int’l Assoc. of Chiefs of Police conference: She attended 2 of the 4 days with the Chief and other command staff. Impressed with the quality of presentations and depth of discussions. Very forward-thinking and positive. Message: how do we do better. Have to move beyond the old “Protect & Serve” model. Chief Greenwood added that he sent more people (5 officers & 1 PRC Commissioner) than in years past and found that valuable; will continue to do so.

7. CHIEF OF POLICE’S REPORT

Chief Greenwood reported:

- BPD will be providing use-of-force data to CPE. Hearing concerns about further delaying CPE’s report, Chief will try to get an estimated delivery date. CPE uses a climate survey to gauge attitude of PD members. Would like us to participate in, since part of their methodology. Chief will also see if someone from CPE local can attend a PRC meeting.
- Following last night’s elections, been dealing with demonstrations. Light to no violence. Today BHS had rally; last few have been very well-organized and peaceful. Tonight about 200 marching down Telegraph into Oakland, where 2000 are gathered.
- Just had 3rd training on revised GO C-64 (Crowd Management).

- Staffing: 3 recruits in training; 10 in academies; 7 reservations for academies in Jan.; looking for laterals. HR helping out with getting agility tests done. Competing with SF; Richmond. Will have a lot of new officers, though will require supervision.
- Interviewing candidates for promotion to Sergeant and Lieutenant; about 2 – 4 promotions in each position.

Questions:

- Status of Commander’s Guide? Meeting tomorrow and will get to PRC this week.
- Your status? Currently Interim Chief. City Manager has said no plans for a search right now.
- Next Body-Worn Camera meeting? Have PRC Officer coordinate with Chief’s secretary.
- Incidents connected to removing homeless encampments? Very familiar with each incident and the activities. Part of ad hoc committee that included two Councilmembers and representatives of homeless to discuss what is their goal, and what can be done other than enforcement. Continue to be involved in communication.

8. OLD BUSINESS (discussion & action)

- a. Status of General Order W-1, Right to Watch and consideration of Lexipol Policy 426
Heard following Item #9.a.

Motion to carry this item over to the next meeting for final consideration of Lexipol 426.

Moved by Lippman; **Motion failed for lack of second.**

Motion to support Lexipol Policy 426 submitted by the BPD, with this addition to section 426.3: insert “observe and/or” in the first sentence, so that it reads, “Members of the public who wish to observe and/or record law enforcement activities are limited only in certain aspects.”

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

Ayes: DaSilva, Roberts, Smith, Yampolsky

Noes: None

Abstain: Lippman

Absent: Bernstein,

Perezvelez, Sherman

- b. Review of BPD marijuana enforcement report.
(Item postponed to the next meeting.)
- c. Handout on significant laws and court cases affecting scope and powers of the Berkeley PRC; discussion of applicability to aspects of the BOI process.
(Item postponed to the next meeting.)

- d. Commendations of BPD personnel January through June 2016.
(Item postponed to the next meeting.)

9. NEW BUSINESS (discussion & action)

- a. Achieving agreement with BPD on consulting with PRC on all new General Orders and changes to existing General Orders.

Heard following Item #7.

Chief Greenwood described process of and personnel involved in renewed effort to convert all General Orders into the Lexipol system. He will send the PRC Officer a list of the first 25 policies being worked on, for distribution to Commission and to place on the next agenda.

Going forward, for new policies that are issued (and revisions to existing policies), Chief will send a copy to the PRC Officer simultaneous with distribution to department. PRC Officer will include in next PRC agenda packet. **A majority of the PRC agreed to this process.**

Chief will consider whether it is feasible for his department to inform the PRC what policies are close to being issued, so that PRC can provide feedback.

10. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS (discussion & action)

- a. General Orders C-64, etc. Subcommittee
No report.
- b. Fair & Impartial Policing Subcommittee
Update; next meeting date November 14, 2016.
- c. Mutual Aid Pacts Subcommittee
PRC Officer to coordinate setting next meeting date.
- d. Media Credentialing Subcommittee
Tonight's meeting did not occur due to lack of quorum. PRC Officer to coordinate setting next meeting date.
- e. Surveillance and Community Safety Ordinance Subcommittee
Next meeting scheduled for Nov. 22 at 6 p.m. The Vice-Chair appointed himself to replace Jerry Javier on this subcommittee.
- f. Outreach Subcommittee
No report.

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There were no 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 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 9:35 p.m.