POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

January 13, 2016
South Berkeley Senior Center
7:00 P.M. 2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR BERNSTEIN AT 7:10 P.M.
Present:  Commissioner Alison Bernstein (Chair)
Commissioner George Lippman
Commissioner George Perezvelez (Vice Chair)
Commissioner Terry Roberts
Commissioner Michael Sherman
Commissioner Ayelet Waldman

Absent: Commissioners Jerry Javier, Kad Smith, Ari Yampolsky

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Capt. Cynthia Harris (left 8:30 p.m.), Sgt. Benjamin Cardoza

2. APPROVAL OF AGENDA
The agenda was approved by consensus.

3. PUBLIC COMMENT
There were 3 speakers. (Heard following Item #4.)

4. APPROVAL OF MINUTES
By general consent, with Commissioner Roberts abstaining, the minutes of the Regular Meeting of December 9, 2015 were approved with a correction on Item 6.b., page 3, so that the phrase reads, “asked the PRC Officer to write a letter . . .”
5. **ELECTION OF 2016 CHAIR AND VICE-CHAIR (discussion and action)**

Motion to postpone the elections to the next meeting so all commissioners can be part of the vote.
Moved/Seconded (Lippman/Waldman) Motion **Failed**
Ayes: Lippman  Noes:  Bernstein, Perezvelez, Roberts, and Waldman
Abstain: Sherman  Absent:  Javier, Smith, Yampolsky

**Motion to nominate George Perezvelez for Chairperson**
Moved/Seconded (Bernstein/Waldman)

**Motion to nominate George Lippman for Chairperson**
Moved/Seconded (Sherman/Perezvelez)

Aye votes for Commissioner Perezvelez: Bernstein, Perezvelez, Roberts, and Waldman
Aye votes for Commissioner Lippman: Lippman

George Perezvelez was elected Chairperson

**Motion to nominate George Lippman for Vice-Chairperson**
Moved/Seconded (Sherman/Waldman)

**Motion to nominate Terry Roberts for Vice-Chairperson**
Moved/Seconded (Bernstein/Perezvelez)

Aye votes for Commissioner Lippman: Lippman, Sherman
Aye votes for Commissioner Roberts: Bernstein, Perezvelez, Roberts
Abstention: Waldman
(Neither candidate received a majority of the votes of the Commissioners present.)

By general consent, the Commission postponed the election of a Vice-Chairperson to the next meeting.

6. **CHAIR’S REPORT**

Chair Bernstein made end-of-term remarks, and commissioners thanked and complimented the Chair for her leadership in 2015.

7. **CHIEF OF POLICE’S REPORT**

-- The tragic accidental death of a city refuse worker on Monday is being investigated by BPD and CalOSHA.
-- Reminder: MLK Day breakfast Monday at 8:00 a.m. at Hs Lordship’s.
-- BPD is working on year-end crime numbers.
-- BPD has hired a fiscal manager whose only job is to work on the budget; currently working on the mid-year budget.
-- A recruitment just closed; testing starts month. 7 officers in FTO and 4 going to academy.

Questions:
-- Details about the Council agenda item for spending $500,000 on BPD fleet vehicles? Each year, BPD funds go into the Public Works budget for replacing fleet
cars; this occurs on a regular schedule. The funds are already in the BPD’s budget. Unsure of the exact number of fleet vehicles.
-- When will data analysis from CPE be moving forward? Still collecting and analyzing, and won’t have an update until February.
-- What constitutes blocking the sidewalk? Would need to consult with city attorney.
-- Beat analysis? 4 – 6 months, per Lt. Montgomery at the last meeting.
-- Regarding enforcement of Penal Code 647(e) (referencing Training & Info Bulletin #220) – the low priority referenced is priority whose policy? City Council per Res. 61,042 - N.S.
-- Preparing anything in budget to carry out recommendations post-incident report re Dec. 2014 protests? Yes; among the items are body-worn cameras, body armor, crowd management training.
-- Interest in a cost analysis to carry out the recommendations.

8. PRC OFFICER’S REPORT
-- One new complaint filed since last meeting; two complaints on for closure, for which a BOI was scheduled and then canceled at complainants’ request.
-- The PRC’s Investigative Report regarding the police response to the December 6 protests was on the Council’s December 15 agenda, but was postponed to the January 26 meeting.
-- In December, the PRC Officer participated in an interview panel for the newly-established position of Director of the Independent Office of Law Enforcement Review and Outreach in Sonoma County.

9. OLD BUSINESS (discussion and action)
a. Establish subcommittees for the following subjects, as identified at the prior meeting.

By general consent, subcommittees for the following purposes were formed:
-- Investigation into BPD response on December 7 & 8, 2014
-- Revision of General Orders C-64 (Crowd Control), U-2 (Use of Force), M-2 (Mutual Aid)
-- Fair and Impartial Policing
-- Media Credentialing Policy

The Chair made the following appointments:
-- Investigation into BPD response on December 7 & 8, 2014: Bernstein, Javier, Sherman
-- Revision of General Orders C-64 (Crowd Control), U-2 (Use of Force), M-2 (Mutual Aid): Bernstein, Lippman, Perezvelez, Waldman
-- Fair and Impartial Policing: Javier, Lippman, Roberts, Smith
-- Media Credentialing Policy: Perezvelez, Sherman, Smith

b. Status on revised General Order on the Right to Watch.
(Heard following Item #7)
Capt. Harris reported that the re-drafted General Order will be presented for the PRC’s review at its February 27 meeting.
c. PRC Regulations For Handling Complaints Against Members of the Police Department: Review proposed regulation changes; status of meet-and-confer between City and BPA on; possible implementation of some regulations pending that process; consider establishment of subcommittee.

By general consent, this item was postponed to the next meeting

d. Request that BPD send copies of all Use-of-Force reports to the PRC within 21 days of the incident.
(Heard following Item #9.b.)

By consensus, the Commission voted to ask the PRC Officer to write letter to City Attorney regarding whether any legal impediments to the BPD releasing redacting use-of-force reports, or a report that synthesizes the use-of-force reports.

e. Request for intelligence report from Chief Meehan, as required under General Order C-1, for the prior three years.
(Heard following Item #9.d.)

Capt. Harris said she will see if such reports exist and if so, send them to the PRC.

f. Transgender General Order

By general consent, this item was postponed to the next meeting, but modified to delete dissolution of the Transgender G.O. Subcommittee.

g. Further discussion and action regarding prioritization of, and method of proceeding on, items on PRC’s priority list.

By general consent, this item was postponed to the next meeting

10. NEW BUSINESS (discussion and action)
   a. Whether to initiate a policy review based on the policy complaint filed by Eli Hurwitz.

   Motion that the PRC decline to initiate a policy review from a complainant who did not attend the meeting.
   Moved/Seconded (Waldman/Perezvelez) Motion Carried
   Noes: None    Abstain: None    Absent: Javier, Smith, Yampolsky

11. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS (discussion and action)
   a. Body-Worn and Dash Cameras Subcommittee
      The subcommittee chair, Commissioner Lippman, reported on the group’s work, and its concern about meeting the Council’s deadline.
12. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS
Attached.

13. PUBLIC COMMENT
There were two speakers.

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Closed Session

14. VOTE ON RECOMMENDATION FOR ADMINISTRATIVE CLOSURE
(Heard after Item #15.)
Complaint #2382

Motion to approve above-referenced file for administrative closure.  
Moved/Seconded (Bernstein/Sherman) Motion Carried  
Noes: None  
Abstain: None  
Absent: Javier, Smith, Yampolsky

15. VOTE ON RECOMMENDATION FOR ADMINISTRATIVE CLOSURE
(Heard after Item #16.)
Complaint #2383

Motion to approve above-referenced file for administrative closure.  
Moved/Seconded (Sherman/Perezvelez) Motion Carried  
Noes: None  
Abstain: None  
Absent: Javier, Smith, Yampolsky

16. VOTE ON RECOMMENDATION FOR ADMINISTRATIVE CLOSURE
Complaint #2388

Motion to approve above-referenced file for administrative closure.  
Moved/Seconded (Perezvelez/Waldman) Motion Carried  
Noes: None  
Abstain: None  
Absent: Javier, Smith, Yampolsky

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End of Closed Session

17. ANNOUNCEMENT OF VOTE RESULTS FROM CLOSED SESSION
The votes to close Complaints #2382, #2383, and #2388, were announced.

18. ADJOURNMENT
By general consent, the meeting was adjourned at 10:15 p.m.