



Police Review Commission (PRC)

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

**Wednesday, March 9, 2016
7:00 p.m.**

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR PEREZVELEZ AT 7:07 P.M.

Present: Commissioner George Perezvelez (Chair)
Commissioner Terry Roberts (Vice Chair)
Commissioner Alison Bernstein
Commissioner Jerry Javier
Commissioner George Lippman
Commissioner Michael Sherman
Commissioner Ayelet Waldman
Commissioner Ari Yampolsky

Absent: Commissioner Kad Smith

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Michael Meehan (left 8:12 p.m.), Capt. Dave Frankel (left 8:12 p.m.), Lt. Dan Montgomery, Sgt. Todd Sabins, Sgt. Benjamin Cardoza (arrived 8:12)

2. APPROVAL OF AGENDA

With the deletion of Item #10.c., the agenda was approved by general consent.

3. PUBLIC COMMENT

There were 4 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting minutes of February 24, 2016

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

Ayes: Bernstein, Javier, Lippman, Perezvelez, Roberts, Sherman, Waldman, and Yampolsky.

Noes: None

Abstain: None

Absent: Smith

5. CHAIR'S REPORT

None

6. PRC OFFICER'S REPORT

- One new complaint filed since last meeting.
- PRC's prior request to ask for City Attorney opinion on how blocking the sidewalk is enforced for purposes of Penal Code section 647(e), is not the right question and will therefore not be asked.
- Save the date for Juneteenth celebration, June 19; will agendaize for the next meeting PRC having a booth.
- HHCS would like July 12 Council Work Session date because it has a conflict on July 19; okay to move PRC Body-Worn Camera Work Session to July 19? (Commission said yes.)
- The City and BPA are very close to agreement on the proposed Regulations changes.

7. CHIEF OF POLICE'S REPORT

(No report other than crime report prepared for today.)

Questions:

- Can PRA requests be made of BPD via email? How about a dedicated address? Yes, BPD does accept email requests. Website needs to be updated. Will look into a specific address for such purposes.
- Why isn't BPD a co-sponsor of the NOBLE (National Organization of Black Law Enforcement Executives) Forum on 21st Century Policing? BPD reps are participating but BPD not made aware of opportunity to sponsor ahead of time.

8. 2015 CRIME REPORT

Presentation by Berkeley Police Department

Chief Meehan and Capt. Frankel made a presentation, and then answered questions from Commissioners.

9. OLD BUSINESS (discussion & action)

- a. Implementation of Council directive regarding PRC and BPD recommendations following BPD response to December 6, 2014 protests: consideration of recommendations not being addressed by General Orders Subcommittee.

By general consent, the Commission asked the PRC officer write to the Chief asking about the status of Recommendations #4 and #32 [of the BPD post- December 6, 2014 review] and whether there is anything the PRC can do to assist.

By general consent, the Commission agendaized for the next PRC meeting the remaining Recommendations not being addressed by the General Orders or media Credentialing Subcommittee -- #1, #14, #15, #28, #31, #32.

- b. Chief's consideration of sustained allegations in a PRC Board of Inquiry, and relationship to discipline imposed following Internal Affairs investigation of the same incident.

Motion that the PRC Officer, Commissioner Waldman, and Commissioner Perezvelez work together on a letter to the City Manager requesting that the City Manager direct the Chief to consider PRC findings whenever possible; that we redraft the Regulations to allow for our timeline to be truncated to reach findings within 100 days, and ask the City Manager that to the extent the new regulations are subject to meet-and-confer to have as a priority the efficacious resolution of that process; and inform the City Manager that the Chair and Vice-Chair are available to meet with her.
Moved/Seconded (Bernstein/Waldman)

Friendly amendment: that the actual wording of the letter captures the spirit of the motion.
Moved by Perezvelez; Accepted by Bernstein and Waldman)

Motion, as amended, carried

Ayes: Bernstein, Javier, Lippman, Perezvelez, Roberts, Sherman, Waldman, and Yampolsky.

Noes: None

Abstain: None

Absent: Smith

- c. Review of revised General Order W-1 (Right to Watch) proposed by BPD. After discussion, the Commission agreed to continue discussion by re-agendizing this item for next meeting.
- d. Structure of special meeting regarding Liberty City.

Motion to invite BPD Capt. Greenwood and Liberty City Organizers to each make 20-minute presentations about Liberty City, reminding them that the focus is the actions of the BPD.

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

Ayes: Bernstein, Javier, Lippman, Perezvelez, Roberts, Sherman, Waldman, and Yampolsky.

Noes: None

Abstain: None

Absent: Smith

10. NEW BUSINESS (discussion & action)

(All New Business was postponed until the next meeting.)

- a. Senate Bill 1286, Increasing Law Enforcement Transparency bill.
- b. Reports from BPD under General Order C-1, Intelligence Procedures for First Amendment Activities.

11. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS (discussion & action)

(All Subcommittee Reports were postponed until the next meeting.)

- a. Body-Worn and Dash Cameras Subcommittee
Update; schedule next meeting date
- b. General Orders C-64, etc. Subcommittee
Update; schedule next meeting date
- c. December 7 & 8 Investigation Subcommittee
Next meeting date March 10, 2016, at 5:30 p.m.

- d. Transgender G.O. Subcommittee
Update; schedule next meeting date

12. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

13. PUBLIC COMMENT

There was one speaker.

Closed Session

14. VOTE ON RECOMMENDATION FOR ADMINISTRATIVE CLOSURE

Motion to reject staff's recommendation to administratively close complaint #2390.

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

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

Noes: Perezvelez, Roberts Abstain: Waldman Absent: Smith

15. VOTE ON WHETHER TO ACCEPT LATE-FILED COMPLAINT

By general consent, the Commission determined that Complaint #2392 was timely filed.

End of Closed Session

16. ANNOUNCEMENT OF CLOSED SESSION VOTES

The votes above were announced.

17. ADJOURNMENT

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