



Police Review Commission (PRC)

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

**Wednesday, January 11, 2017**  
**7:00 P.M.**

North Berkeley Senior Center  
1903 Hearst Avenue, Berkeley

**1. CALL TO ORDER & ROLL CALL BY CHAIR TERRY ROBERTS AT 7:25 P.M.**

Present: Commissioner Terry Roberts (Chair)  
Commissioner Alison Bernstein  
Commissioner Kimberly DaSilva  
Commissioner George Lippman  
Commissioner Andrea Prichett  
Commissioner Ari Yampolsky  
Commissioner George Perezvelez  
Commissioner Bulmaro Vicente

Absent: None

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andrew Greenwood, Lt. Angela Hawk, Sgt. Katherine Smith,  
Sgt. Samantha Speelman, Sgt. Sean Ross

**2. APPROVAL OF AGENDA**

**By general consent, Item #s. 9.a. and 9.b. were moved ahead of Old Business, and Item #8.c. was postponed to the next meeting.**

**3. PUBLIC COMMENT**

There were 6 speakers.

**4. APPROVAL OF MINUTES**

**Motion to approve** Regular Meeting of December 14, 2016

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

Ayes: Bernstein, DaSilva, Lippman, Prichett, Roberts, Vicente, and Yampolsky.

Noes: None

Abstain: Perezvelez

Absent: None

**5. CHAIR'S REPORT**

- Kad Smith resigned today. He was unable to continue serving to due many other responsibilities.
- Michael Sherman was acknowledged with a certification of appreciation for his 14 years of service on the PRC.

**6. PRC OFFICER'S REPORT**

- One new complaint filed since the last PRC meeting. BOI to be held this Friday.
- Commissioners please take note of PRC meeting schedule and Standing Rules sent with packet.

**7. CHIEF OF POLICE'S REPORT**

- Homicide occurred recently; suspect arrested in Southern California.
- Now have 175 officers of 181 authorized. Lot of new people being hired; also looking at laterals. 20+ new officers by the end of the year.
- In mid-December, command staff met for a 3-day workshop. Worked on a Mission, Vision, Values statement. Will give every BPD member a touchstone that informs their actions. Will discuss at next PRC meeting.
- All are invited to a promotion ceremony on January 19 at 1:00 p.m. at Freight & Salvage.
- Re-structuring Dept. to better handle workflow. Looking to add a 4<sup>th</sup> captain. New Support Services Division

Comm Center was part of Operations. New div Support Services: A Hart: comm. Center, jail, property room spiller investigation, Louis operations, Reece Professional Standards. Also want to improve management of how BPD works on PRC assignments. Increased accountability.

Questions:

- Who comprises command staff? Chief, 4 captains, 9 lieutenants, the budget manager, and the Communications Center manager
- How many officers typically on the street? Ideally 7-8 teams. Generally 6 teams from 10 a.m. to 2 a.m. and then fewer after 2 a.m. Also 2 sgts. and a watch commander.
- Total number of patrol officers? If fully staffed, 79 officers and 16 sgts.

**8. OLD BUSINESS (discussion & action)**

- a. Report on meeting with BPD regarding Body-Worn Camera policy  
*(Postponed to the next meeting.)*
- b. Continue discussion of process for providing PRC review of Lexipol policies.  
*(Postponed to the next meeting.)*

- c. Commissioner questions about case law and statutes affecting the Board of Inquiry hearing process  
(Postponed to the next meeting.)
- d. Prioritization of PRC tasks and requests to BPD  
(Postponed to the next meeting.)

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

*Heard following Item 9.b.*

a. Mutual Aid Pacts

i) Mutual Aid Pacts approval process explained.

ii) **Motion to accept the recommendation of the Mutual Aid Pacts Subcommittee to approve the new or revised agreements with: Alameda County DA's Office – Victim/Witness Assistance Division to serve victims of elder abuse; Hayward Police Department and other agencies for Avoid the 21 DUI Program; Bay Area Women Against Rape (BAWAR) to serve survivors of sexual assault; and BNSF Railway for consent to enter property to enforce grade crossing and trespassing laws.**

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

Ayes: Bernstein, DaSilva, Lippman, Perezvelez, Prichett, Roberts, and Yampolsky.

Noes: None

Abstain: Vicente

Absent: None

iii) The Mutual Aid Pacts Subcommittee felt the sole SAR submitted last year was appropriate in that it met the requirements of G.O. N-17: there was predicate criminal activity and was not based on speech alone.

b. Police enforcement actions against homeless encampments 50-ish  
(Heard following Item #7.)

**Motion that the PRC open a policy investigation into whether there should be a policy specifically about police engagements on homeless encampments and protests vigils, i.e., 24-hour protests; including but not limited to: how is BPD ADA complaint when telling someone get out of their tent; how is property being handled and receipts given and why is it confiscated from the person when they are not cited; why is the perimeter almost a block wide when the allegations are sleeping; rationale for staffing levels; revisit the Right to Watch general order; how will access of press to these operations be managed.**

Moved/Prichett

**Substitute motion: Ask the PRC officer to get the information enumerated below by the next meeting and bring it back, with goal of the Commission being better informed as to what if any policy investigations should be made:**

- Is the directive to do the raids coming from the BPD itself or from above the Department?
  - Who is at the table deciding the scope of the enforcement action?
  - Regarding the seizure of property by the Dept. of Public Works: how is BPD involved, and why is there still this illegal practice of seizing property without receipts?
  - Were operational plans written before each raid, and were After Action reports written after?
  - What protocols are in place on detaining disabled people?
- Moved/Seconded (Bernstein/Perezvelez)

*Vote to accept the substitute motion:*

Ayes: Bernstein, DaSilva, Lippman, Perezvelez, Roberts, Vicente, and Yampolsky.

Noes: None                      Abstain: Prichett                      Absent: None

*Vote on the substitute motion:*

Ayes: Bernstein, DaSilva, Lippman, Perezvelez, Roberts, Vicente, and Yampolsky.

Noes: None                      Abstain: Prichett                      Absent: None

c. Elections of 2017 PRC Chairperson and Vice-Chairperson

**Motion to nominate Alison Bernstein for PRC Chairperson**

Moved/Seconded (Roberts/Perezvelez)

**Motion to nominate George Lippman for PRC Chairperson**

Moved/Seconded (Vicente/Prichett)

Vote:

- Bernstein - Bernstein
- Da Silva - Bernstein
- Lippman - Lippman
- Perezvelez - Bernstein
- Prichett - Lippman
- Roberts - Bernstein
- Vicente - Lippman
- Yampolsky - Bernstein

**Alison Bernstein was elected PRC Chairperson**

**Motion to nominate Kim DaSilva for PRC Vice-Chairperson**

Moved/Seconded (Perezvelez/Bernstein)

**Motion to nominate George Lippman for PRC Vice-Chairperson**

Moved/Seconded (Vicente/Prichett)

Vote:

Bernstein – DaSilva  
Da Silva - DaSilva  
Lippman - Lippman  
Perezvelez - DaSilva  
Prichett - Lippman  
Roberts - DaSilva  
Vicente - Lippman  
Yampolsky - DaSilva

**Kim DaSilva was elected PRC Vice-Chairperson**

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

*(All action except that in Item #10.d. was postponed to the next meeting.)*

- a. Fair & Impartial Policing Subcommittee
- b. Mutual Aid Pacts Subcommittee
- c. Media Credentialing Subcommittee
- d. Surveillance and Community Safety Ordinance Subcommittee

**Motion to adopt the subcommittee’s recommendation that the PRC have the PRC Officer draft a letter to the City Council informing them that the Surveillance & Community Safety Ordinance Subcommittee began reviewing the proposed surveillance ordinance, and learned that the Fire Department has more equipment that would fall under the proposed ordinance than the BPD has; therefore, the PRC recommends that the Disaster & Fire Safety Commission review the Ordinance before PRC does; that the PRC’s work thus far should be passed along to the Disaster & Fire Safety Commission; that that when that Commission completes its work, to refer the matter back to the PRC. The Subcommittee further recommends that its work be suspended for the time being.**

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

Ayes: Bernstein, DaSilva, Perezvelez, Prichett, Roberts, and Yampolsky.

Noes: None

Abstain: Lippman, Vicente

Absent: None

- e. General Orders C-64, etc. Subcommittee
- f. Body-Worn Cameras Subcommittee
- g. Outreach Subcommittee

**11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

Attached.

**12. PUBLIC COMMENT**

There were 2 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 (*Decision and brief to be distributed during closed session.*)  
(*Postponed to the next meeting.*)

***End of Closed Session***

**14. ADJOURNMENT**

By general consent, the meeting was adjourned at 10:12 p.m.