



Police Review Commission (PRC)

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

**Wednesday, January 25, 2017
7:00 P.M.**

North Berkeley Senior Center
1901 Hearst Avenue, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR BERNSTEIN AT 7:03 P.M.

Present: Commissioner Alison Bernstein (Chair)
Commissioner Kimberly DaSilva (Vice Chair)
Commissioner George Lippman
Commissioner George Perezvelez (left 10:10 p.m.)
Commissioner Andrea Prichett
Commissioner Terry Roberts
Commissioner Bulmaro Vicente
Commissioner Ari Yampolsky (arrived 7:15 p.m.; left 10:05 p.m.)

Absent: None

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood, Lt. Angela Hawk, Sgt. Benjamin Cardoza,
Sgt. Sean Ross

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

3. PUBLIC COMMENT

There were 9 speakers.

4. APPROVAL OF MINUTES

With two corrections to the fourth question on page 4 (so the sentence reads, "Were operational plans written before each raid, and were After Action reports written after?"), the minutes of the Regular Meeting of January 11, 2017, were approved by general consent.

5. CHAIR'S REPORT

The Chair reminded the Commissioners to that all contacts with the Police Department, in one's capacity as a commissioner, must go through the PRC Officer.

6. PRC OFFICER'S REPORT

One new complaint has been filed since the last meeting.

7. CHIEF OF POLICE'S REPORT

-- Will soon be sending "Mission-Vision-Values" statement to Council.

-- Center for Policing Equity has told him the analysis of stop and force data will be ready mid-March, and the climate survey a couple months after that. Can arrange to have CPE reps attend a PRC meeting.

-- Dept. is investigating the recent mysterious deaths.

-- Have a number of officers in different academies.

Questions:

-- How much confidence that mid-March date will be met? Fairly confident. Will that be the final report? Yes.

-- What additional data supplied? CPE wanted more UOF data, and for stop data, requested more location information.

-- Can PRC get whatever information BPD has supplied to CPE? Will provide as much as able.

-- Public input into process of hiring a new chief? That's a question for the City Manager.

-- Since you're going to 16 beats, that means the beat analysis is done? As reported to Council in Sept., there were unanticipated negative consequences with 14 beats, including size. Some analysis done, but enough significant problems that more analysis not needed. Will be using a 16-beat plan already written up by consultants.

8. OLD BUSINESS (discussion & action)

a. Police enforcement actions against homeless encampments: report back with information.

Discussion; no action taken.

b. Mutual Aid Pacts

i) Review agreement with Northern California Regional Intelligence Center (NCRIC).

Motion to postpone voting on this item for one meeting to allow BPD to respond to the question of does BPD retrieve info from some database maintained by NCRIC to assist in BPD-originated investigation; other than putting in info via SARS, is there anything else BPD does with the NCRIC database?

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

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

Noes: Prichett Abstain: Lippman, Vicente Absent: None

- ii) Review agreement with Department of Homeland Security for Urban Areas Security Initiative (UASI) program.

Motion to support a one-year moratorium on our relationship with UASI, pending PRC's full review of the militarization, politicization, and federalization of local policing, and the uses to which UASI funds are likely to be put under President Trump's administration, with a report back to the City Council.

Moved/Seconded (Lippman/Prichett) **Motion Failed**

Ayes: Lippman, Prichett, and Vicente

Noes: Bernstein, DaSilva, Perezvelez, Roberts, and Yampolsky

Abstain: None Absent: None

Motion to support the Berkeley Police Department's continued participation in UASI programs, with a more robust requirement for the BPD to report back to the PRC after each UASI-sponsored training; and the inclusion of a PRC member in all UASI-sponsored training.

Moved/Seconded (DaSilva; Bernstein)

Friendly amendment #1: that the BPD inform the PRC when the BPD becomes aware of when the next Urban Shield exercise will take place.

Moved by Perezvelez; accepted by DaSilva and Bernstein

Friendly amendment #2: that the report to the PRC will include, but not be limited to, an accounting of all the money with BPD gets from UASI for equipment and training, and all the costs to BPD associated with BPD's participation in training, including the Urban Shield exercise.

Moved by Prichett; accepted by DaSilva and Bernstein

Motion, as amended, carried

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

Noes: Lippman, Vicente Abstain: Prichett Absent: None

- c. Report on meeting with BPD regarding Body-Worn Camera policy

Motion to that the Commission adopt the proposed language for a body-worn camera policy on these subjects: Recording of interrogations (#2 in the PRC Officer's December 13, 2016 memorandum); When officers may review video before writing a report (#4); and Mandatory versus discretionary activation of the body-worn camera (#5).

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

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

Noes: Perezvelez Abstain: None Absent: None

By general consent, the Commission voted to have the PRC Officer and the BPD Chief work out compromise language regarding Use of personal recording devices (#1) and Release of recordings to the PRC (#3), to be brought back for PRC approval at its next regular meeting.

- d. Continue discussion of process for providing PRC review of Lexipol policies
(Postponed to the next meeting.)
- e. Commissioner questions about case law and statutes affecting the Board of Inquiry hearing process
(Postponed to the next meeting.)
- f. Prioritization of PRC tasks and requests to BPD
(Postponed to the next meeting.)

9. NEW BUSINESS (discussion & action)

- a. Open a policy investigation into police enforcement action on homeless encampments, to include an inquiry that identifies who is issuing the directive to conduct enforcement; who are the parties involved in deciding to issue such a directive; what costs (personnel, equipment, and other) has the BPD incurred to undertake the enforcement actions; and whether the BPD's enforcement actions were lawful and appropriate, including, but not limited to, the following areas: BPD involvement in seizure of property (or supervising such seizure); BPD compliance with and accommodations made for the Americans with Disabilities Act (ADA); allowing the public the Right to Watch under General Order W-1, compliance with First Amendment protections of free speech during extended protests. Determine next steps for investigation, including possible formation of a subcommittee.
(Postponed to the next meeting.)
- b. Request for a moratorium on police enforcement actions on homeless encampments.
(Postponed to the next meeting.)
- c. Initiate a review of policies and practices that impact the Right to Watch and First Amendment protections of this activity specifically regarding General Order W-1.
(Postponed to the next meeting.)

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

The Chair made several subcommittee assignments.

- a. Fair & Impartial Policing Subcommittee
Update; consider additional appointments; schedule next meeting date.

- b. Mutual Aid Pacts Subcommittee
Consider dissolving.
- c. Media Credentialing Subcommittee
Update; consider additional appointments; schedule next meeting date.
- d. Surveillance and Community Safety Ordinance Subcommittee
Update; schedule next meeting date.
- e. General Orders C-64, etc. Subcommittee
Consider additional appointments; schedule next meeting date.
- f. Body-Worn Cameras Subcommittee
Consider dissolving.
- g. Outreach Subcommittee
Consider additional appointments; schedule meeting date.

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There were 3 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 discussed; by general consent to be further discussed at a future meeting.

14. MEMORANDUM FROM CITY MANAGER REGARDING EXCUSING OFFICERS FROM BOARDS OF INQUIRY

Decision discussed; by general consent to be further discussed at the next meeting.

End of Closed Session

15. ADJOURNMENT

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