



Police Review Commission (PRC)

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

**Wednesday, February 1, 2017
7:00 P.M.**

North Berkeley Senior Center
1901 Hearst Avenue, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR BERNSTEIN AT 7:20 P.M.

Present: Commissioner Alison Bernstein (Chair)
Commissioner Kimberly DaSilva (Vice Chair)
Commissioner George Lippman
Commissioner George Perezvelez
Commissioner Andrea Prichett
Commissioner Bulmaro Vicente (arrived 7:30 p.m.)

Absent: Commissioners Terry Roberts, Ari Yampolsky

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: None

2. APPROVAL OF AGENDA

By general consent, the agenda was approved with these changes: postpone Item #7.a. due to the Chief's absence, and move Item #8, Subcommittee Appointments, Reports, and Recommendations, after Item #6.

3. PUBLIC COMMENT

There were no speakers.

4. CHAIR'S REPORT

No report.

5. PRC OFFICER'S REPORT

A complaint deadline report was distributed.

6. CHIEF OF POLICE'S REPORT

None.

7. OLD BUSINESS (discussion & action)

a. Continue discussion of process for providing PRC review of Lexipol policies.
(Postponed to the next meeting.)

b. Commissioner questions about case law and statutes affecting the Board of Inquiry hearing process.

Discussed without action taken.

c. 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

Motion to open a policy investigation that will include but not be limited to 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.

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

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

Noes: Perezvelez Abstain: None Absent: Roberts, Yampolsky

Motion to create a subcommittee for the purposes of conducting the policy investigation.

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

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

Noes: Perezvelez Abstain: None Absent: Roberts, Yampolsky

Chair Bernstein appointed Commissioners Prichett, Yampolsky, and herself to the newly-formed subcommittee; Chair Bernstein removed herself from the Fair & Impartial Policing Subcommittee.

- d. Request for a moratorium on police enforcement actions on homeless encampments.

Motion to have PRC officer draft letter to the City Council and City Manager that states the following: We encourage the City to develop a clear policy that protects the rights of people to be secure in their belongings. The PRC has received consistent reports that property that is not abandoned is being seized by the Department of Public Works and BPD members are acting as support during these events, most of which have been identified as enforcement actions at homeless encampments. This is creating tension between the BPD and the community.

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

Ayes: Bernstein, DaSilva, Lippman, Perezvelez, Prichett, and Vicente.

Noes: None Abstain: None Absent: Roberts, Yampolsky

- e. 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.

Motion to open a policy review of General Order W-01, to evaluate the current policy and its implementation.

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

Ayes: DaSilva, Lippman, Perezvelez, Prichett, and Vicente.

Noes: None Abstain: Bernstein Absent: Roberts, Yampolsky

- f. Prioritization of PRC tasks and requests to BPD.

By general consent, the Commission removed the following items from the PRC Task List: Information about ABC enforcement action by BPD and others in South Campus Fall 2016; How BPD conducts police officer recruitment; Review of BOI procedures and underlying authority.

(The Commission also voted to close the policy complaint regarding citation of bicyclists who run red lights/stop signs, but the PRC Officer determined that such action must be specifically agendized and the complainant given advance notice.)

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

(Heard following item #6.)

- a. Fair & Impartial Policing Subcommittee
Report given. Next meeting scheduled for Feb. 20, 2017, 6 – 8 p.m.

- b. Mutual Aid Pacts Subcommittee

By general consent, this subcommittee was dissolved.

c. Media Credentialing Subcommittee

Motion that the Media Credentialing Subcommittee be dissolved because it goes beyond the scope of what the Police Review Commission and Berkeley Police Department should be doing.

Moved (Prichett) – Motion failed for lack of a second.

PRC officer to schedule meeting.

d. Surveillance and Community Safety Ordinance Subcommittee

Work paused pending review by Disaster & Fire Safety Commission.

e. General Orders C-64, etc. Subcommittee

Work suspended pending settlement of lawsuit against City finalized.

f. Body-Worn Cameras Subcommittee

By general consent, this subcommittee was dissolved.

g. Outreach Subcommittee

PRC Officer to schedule meeting.

9. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

None.

10. PUBLIC COMMENT

There was 1 speaker.

Closed Session

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

End of Closed Session

12. REPORT OF ACTIONS TAKEN IN CLOSED SESSION

The Commission voted by general consent to write a letter to the City Council regarding the City Manager's excusing subject officers from attending Boards of Inquiry.

13. ADJOURNMENT

By general consent, the meeting was adjourned at 9:40 p.m.