



Police Review Commission (PRC)

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

**Wednesday, February 8, 2017
7:00 P.M.**

North Berkeley Senior Center
1901 Hearst Avenue, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR BERNSTEIN AT 7:10 P.M.

Present: Commissioner Alison Bernstein (Chair)
Commissioner Kimberly DaSilva (Vice Chair)
Commissioner Andrea Prichett
Commissioner Terry Roberts
Commissioner Bulmaro Vicente
Commissioner Ari Yampolsky (arrived 7:20 p.m.)

Absent: Commissioners George Lippman, George Perezvelez

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Lt. Angela Hawk; Sgt. Ben Cardoza

2. APPROVAL OF AGENDA

By general consent, the agenda was approved with the following changes: postpone Item #s 9.a. 9.b., and 10.b.; correct the second Item #10.d. to read #10.e.

3. PUBLIC COMMENT

There was 1 speaker.

4. APPROVAL OF MINUTES

By general consent, the Regular Meeting Minutes of January 25, 2017, were approved, with one correction: on page 2, last matter under Item #7 should read, "... unanticipated negative consequences with 14 beats," (not 16).

5. CHAIR'S REPORT

None.

6. PRC OFFICER'S REPORT

- No new individual complaints filed since the last meeting. A policy complaint concerning police activity during Feb. 1 protests was submitted, but clarification being sought whether UCPD or BPD action complained of.
- Received clarification from City Attorney's office that ALJ decisions in Caloca appeals may be distributed in the same manner as confidential BOI materials (mailed ahead of time and collected at the meeting).
- City holiday on Feb. 13; please have agenda items for next meeting in by Feb. 14; PRC Officer vacation Feb. 16 – 21.
- Note p. 33 of packet, City Manager's request to Commissioners to provide input regarding City's strategic plan.

7. CHIEF OF POLICE'S REPORT

PRC Officer reported from Chief's email to her:

- Only information BPD accesses from NCRIC database is license plate reader data. No database used to run a check on people.
- BPD's annual item to Council on Mutual Aid Pacts/MOUs will be on their March 14 agenda, same day as crime report. (PRC's recommendations on these agreements will be submitted to Council as a supplemental communication.)
- Suggest suspending discussion of Dec. 2014 protest items until after lawsuit settlement is approved.
- Anticipate providing PRC with Lexipol policies once he (Chief) has signed off on them in BPD's process.

8. SUBCOMMITTEE REPORTS (discussion & action)

- a. Fair & Impartial Subcommittee
Haven't met since last meeting; next meeting Feb. 20. [Now Feb. 27]
- b. Media Credentialing Subcommittee
Meeting to be scheduled.
- c. Surveillance and Community Safety Ordinance Subcommittee
On hiatus until Disaster & Fire Safety Commission considers. PRC Officer said, per Fire Chief, that that Commission met January 25 but did not get to the ordinance, and will consider at its February 22 meeting.
- d. General Orders C-64, etc. Subcommittee
Waiting for lawsuit settlement to be finalized before proceeding.
- e. Outreach Subcommittee
Meeting to be scheduled.
- f. Homeless Encampment Subcommittee
Meeting to be scheduled.

9. OLD BUSINESS (discussion & action)

- a. Mutual Aid Pacts: Consider whether to approve agreement with Northern California Regional Intelligence Center (NCRIC), following report back from BPD as to whether information from NCRIC is retrieved for use in BPD investigations. *(Postponed to the next meeting.)*

- b. Consider language that the PRC Officer and Chief of Police negotiate with BPD regarding these aspects of Body-Worn Camera policy: Use of personal recording devices; Release of recordings to the PRC.
(Postponed to the next meeting.)
- c. Assessment and prioritization of PRC tasks; prioritization of requests to BPD.
Discussed; no action taken.

10. NEW BUSINESS (discussion & action)

- a. Recommendation for administrative closure of Policy Complaint #2384, regarding enforcement of traffic regulations as to bicyclists.

Motion to administratively close Policy Complaint #2384

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

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

Noes: None Abstain: Prichett Absent: Lippman, Perezvelez

- b. Request that the BPD release to the PRC the following data that BPD sent to the Center for Policing Equity: 1) use of force data; 2) any stop data information beyond what is published on the City's Open Data Portal; 3) climate survey questions and answers.
(Postponed to the next meeting.)
- c. Inquiry into the process for hiring a permanent Chief of Police, and ensuring that it includes soliciting input from PRC and options for public participation.

Motion that the PRC Officer write a letter to the City Manager inquiring as to her process for the hiring of a permanent chief of police, and how the commission might provide input into the hiring process; and to express that the PRC also believes it is important for the community to have input into this decision.

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

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

Noes: None Abstain: None Absent: Lippman, Perezvelez

- d. Commission process issues:
 - i) Limit the number of items on an agenda.
Discussion; no action taken.

- ii) Use some type of freeware to schedule subcommittee meetings.

By general consent, the Commission agreed to use Doodle for scheduling subcommittee meetings.

Chair Bernstein assigned Commissioners to schedule subcommittee meetings as follows:

DaSilva -- Media credentialing; Vicente – Outreach; Homeless Encampments – Prichett ; Yampolsky – Surveillance (when subcommittee resumes activity).

- iii) Amend standing rules to require that subcommittees produce and publish minutes or meeting notes.

By general consent, the Commission agreed that a member of each subcommittee should take written notes of each meeting, which that commissioner will submit to the PRC Officer for posting on the PRC website.

- e. Status of, and how to proceed on, remaining Council referrals related to December 2014 protests.

By general consent, the Commission determined that it was done considering these Recommendations from the December 2014 post-incident review: #15 (consider change in policy on helicopter use); #28 (BPD document on website about safe and legal protests, which has been completed); #31 (BPD invest in video cameras, live stream capability and video capture software); and #23 (BPD to investigate use of body armor). This leaves #1 (common encrypted radio channels) and #14 (explore technology to improve quality, timeliness of information available to decision makers -- which will be addressed by the draft Surveillance & Community Safety Ordinance being considered already).

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

12. PUBLIC COMMENT

There was 1 speaker.

13. ADJOURNMENT

By general consent, the meeting was adjourned at 9:12 p.m.