



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, February 22, 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) (arrived 7:55 p.m.)
Commissioner George Lippman
Commissioner George Perezvelez
Commissioner Andrea Prichett (arrived 7:27 p.m.)
Commissioner Terry Roberts
Commissioner Bulmaro Vicente
Commissioner Ari Yampolsky

Absent: None

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood, Sgt. Benjamin Cardoza

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

3. PUBLIC COMMENT

There was 1 speaker.

4. APPROVAL OF MINUTES

a. Motion to approve *Special Meeting Minutes of February 1, 2017*

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

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

Noes: None

Abstain: Roberts

Absent: None

- b. **Motion to approve *Regular Meeting Minutes of February 8, 2017 as corrected to remove Commissioner Perezvelez from the Commissioners listed “present.”***

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

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

Noes: None

Abstain: Lippman

Absent: None

5. **CHAIR’S REPORT**

The Chair reported that she reached out to BPA and Copwatch re a reserved time for them to comment at the end of public comment. BPA agreeable, if they have something to say. Copwatch as well.

6. **PRC OFFICER'S REPORT**

-- No new complaints filed since last meeting; haven't heard back from policy complainant.

-- The mediation in Complaint #2410 was completed, so the complaint is now closed.

-- Commission's approved motion at the Feb. 22 meeting to have all subcommittees produce notes of each meeting did not include a change to the standing rules, although agendized as such. Proposed addition to standing rules approved.

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

-- Settlement of lawsuit v. City re police actions on Dec. 6, 2014, was approved by Council: City paying \$125K to 7 plaintiffs and their attorneys; agreed on language to be incorporated into G.O.s and Commander's Guide; BPD commits to full implementation (not pilot) of body-worn camera program, Have adjusted budget figures for FY 18; pending Council approval, which will probably occur.

-- Currently 172 officers including 19 in training.

Questions:

-- Will BWC video be kept In-house on own server or under contract with someone to house on their server? Considering using cloud server and City's IT staff.

-- Schedule for procuring BWCs? Moving forward, and need to follow City procurement rules; can't give dates when unknown, but can update periodically.

-- Did we buy a \$250K boat? We applied for a grant to purchase one and didn't get it.

-- What is protocol for activating a lockdown of a school for police activity, like the one on Feb. 10? Responsibility of Watch Commander or the supervisor to notify school, as schools are concerned when significant police activity nearby. Don't know the school's or district's communications protocol.

8. SUBCOMMITTEE REPORTS (discussion & action)

Report of activities and meeting scheduling for the following Subcommittees:

- a. Fair & Impartial Policing Subcommittee – next meeting Mon., Feb. 27, 6:00 p.m.
- b. Media Credentialing Subcommittee -- in process of scheduling.
- c. Surveillance and Community Safety Ordinance Subcommittee – Disaster & Fire Safety Commission considering Ordinance at its meeting tonight.
- d. General Orders C-64, etc. Subcommittee – now that have settlement, will start meeting again.
- e. Outreach Subcommittee – next meeting Weds., March 1, 5:45 p.m.
- f. Homeless Encampment Subcommittee – next meeting Weds., March 1, 7:00 p.m.

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.
After discussion, item postponed to next meeting, to which representatives from ACLU and NCRIC will be invited.
- 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.
(Item postponed to the next meeting.)
- c. 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.
(Discussion; no action.)
- d. Decide process for policy review of General Order W-1, Public Recording of Law Enforcement Activity (Right to Watch), to evaluate the current policy and its implementation. Process may include establishment of subcommittee or consideration by full Commission. Begin review, if by full Commission.

Motion to open a policy review of whether the BPD’s conduct in establishing a large perimeter around homeless encampments, when participating in enforcement actions to dismantle them, violated General Order W-1; and if so, how should the policy be revised.

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

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

Noes: None

Abstain: None

Absent: None

- e. Continue discussion of process for providing PRC review of Lexipol policies.
(Item postponed to the next meeting.)

10. NEW BUSINESS (discussion & action)

- a. Commendations of BPD personnel
 - i. Amend standing rules to formalize practice of considering commendations.
(Item postponed to the next meeting in which commendations are considered.)
 - ii. Consider commendations for the period June through December 2017.

By general consent, the Commissioners singled out the following officers and other BPD staff for special recognition; and asked the PRC Officer to write a letter to the Chief informing him of such.

Sgt. K. Smith	Ofc. Cerletti	Ofc. K. White
Vilma Garcia	Ofc. McDougall (twice)	Ofc. Warren
Ofc. Burcham	Ofc. J. Smith (twice)	Ofc. Nabozny
Ofc. Tu (twice)	Ofc. Mathis	Ofc. Coats
Ofc. Murray (3 times)	Ofc. Andersen	Ofc. Bartalini
Ofc. Li (twice)	Ofc. J. Jones (2x)	Lolita Cueva
Ofc. Dozier (twice)	Ofc. Flores	PEO S. Davis
Ofc. S. Johnson	Of. Valle	Sgt. Friedman
Ofc. G. Brown	Ofc. De Bruin (twice)	Sgt. Jung
Lt./Capt. Louis (twice)	Ofc. Hom	Sgt. Melero
Lt. D. Reece	Ofc. Nash	Sgt. Rittenhouse
Sgt. Durbin	Ofc. Breaux (twice)	Sgt. D. Lindenau
Sgt. Okies	Ofc. Scott	Sgt. C. Lindenau (twice)
Sgt. Fomby	Ofc. Haney	Sgt. Hong
Sgt. Frankel	Ofc. Loelinger	Sgt. B. Wilson
Sgt. Ross	PSD Lockhart	Ofc. Salas
Sgt. Stines	PSD Houston	Ofc. Kacelek
Sgt. Cummings	PSD Saechao	Ofc. Ledoux
Sgt. K. Reece	PSD Calhoun	Ofc. Castle
Ofc. Tillberg	PSD Parker	Ofc. Kishiyama
Ofc. Yu (twice)	PSD S. Smith	Ofc. Lathrop
Ofc. Radey	PSD Netz	Ofc. Hammonds
Ofc. Kleppe	PSD Salem	Ofc. Shannon
Ofc. Castle (twice)	Ofc. Muniz	Ofc. Bonaventure
Ofc. Valle	Ofc. Diaz	Ofc. Muratovic
Ofc. Rodrigues	Ofc. Gibbs	Ofc. S. Martinez
Ofc. Bejarano	Ofc. Collier	Ofc. Waite
Ofc. Hunt	Ofc. Driscoll	Ofc. Perkins
Ofc. Bold	Ofc. Coria	Ofc. Driscoll
Ofc. Neff	Ofc. Hogan	
	Ofc.. P. Lee (twice)	
	Ofc. Grant (twice)	

- b. Consider closure of Policy Complaint #2377, regarding BPD awareness of change to non-smoking ordinance.
(Item postponed to the next meeting.)
- c. Report of research into Policy Complaint #2406, regarding searches of persons and vehicles based on smell of marijuana.
(Item postponed to the next meeting.)

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There were no speakers.

13. ADJOURNMENT

By general consent, the meeting was adjourned at 10:03 p.m.