



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, March 8, 2017
7:00 P.M.

North Berkeley Senior Center
1901 Hearst Avenue, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR BERNSTEIN AT 7:05 P.M.

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

Absent: None

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andrew Greenwood, Sgt. Benjamin Cardoza

2. APPROVAL OF AGENDA

By general consent, the Commission approved the agenda as written except for moving Item #9.a. to after approval of the minutes, and considering Item #10.a. when the speakers for that item arrive.

3. PUBLIC COMMENT

There were 3 speakers.

4. APPROVAL OF MINUTES

(Heard following Item #10.a.; this item postponed to the next meeting.)

5. CHAIR'S REPORT

Chair reminded Commissioners that items they wish to distribute to the full Commission should be sent through the PRC Officer.

6. PRC OFFICER'S REPORT

-- On March 14, Chief's crime report will be presented to Council. At March 22 PRC meeting, he can present abbreviated version and leave more time for questions.

-- PRC Officer will be giving remarks at SEEDS (mediation organization) reception tomorrow night.

-- The PRC office received 3 emails regarding police action on March 4.

7. CHIEF OF POLICE'S REPORT

-- Major planning effort to prepare for March 4 protests. On day of, took measured approach. 10 arrests. No injuries other than involved parties. No property damage.

-- After tomorrow's academy graduation for 4 people, will have 12 officers in field training and 7 in academy. Have hired a lateral.

Questions:

-- How many officers on March 4? Around 80. What strategies can be used to nip anarchists in the bud? Each incident has to be evaluated on its own set of characteristics. Helpful to have large, non-confrontational police presence before things start happening.

-- Could officers have been positioned between the two sides? Difficult, because then committing those resources for the duration.

8. SUBCOMMITTEE REPORTS (discussion & action)

Report of activities and meeting scheduling for the following Subcommittees:

a. Fair & Impartial Policing Subcommittee – Continuing to meet; looking forward to report from CPE.

b. Media Credentialing Subcommittee – First meeting scheduled for 6:30 p.m. March 22nd.

c. Surveillance and Community Safety Ordinance Subcommittee – Still on hiatus pending action by the Disaster and Fire Safety Commission.

d. General Orders C-64, etc. Subcommittee – Will be scheduling meeting.

e. Outreach Subcommittee – Met and produced a 5-prong plan: community presentations; collaborate with other groups; presence at community events; work on website and other outreach materials; hold Commission meetings in different locations.

f. Homeless Encampment Subcommittee – Will ask PRC to ask City Manager for legal basis for confiscation of property, to better understand role of BPD. Request

PRC Officer to ask BPD for its video of Gilman Street clearing. Next meeting March 22, 6:00 p.m.

9. OLD BUSINESS (discussion & action)

- a. Mutual Aid Pacts: Consider whether to approve agreement with NCRIC, following report back from BPD as to the nature and extent of BPD's reliance on NCRIC's ALPR database in investigations, and how and in what way the loss of this database would impact the mission of BPD; presentations from representatives of the ACLU and NCRIC.
(Heard following Item #2.)

Motion that the Commission inform the City Council that we approve the MOU with NCRIC based on our understanding that the only information we put into NCRIC are the Suspicious Activity Reports, which are drafted and submitted pursuant to General Order N-17, and, based on the recognition that the Department has been vigilant in the last few years in following G.O. N-17; and, based on our understanding that the license plate reader database maintained by NCRIC is useful to the Department; and, based on an agreement with Department that we will, within the next 90 days, come up with a system for the PRC to receive an audit as to when and how often the NCRIC database is accessed and the cases for which it is accessed (by description not name), and come up with a protocol for other access of information received from NCRIC, that would include an audit component.

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

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

Noes: Lippman, Prichett, Vicente Abstain: None Absent: None

- 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.
(Heard following Item #8; this item postponed to the next meeting.)
- c. Continue discussion of process for providing PRC review of Lexipol policies.
(Discussion; no action.)
- d. Consider closure of Policy Complaint #2377, regarding BPD awareness of change to non-smoking ordinance.
(Heard following Item #10.c.)

Motion to close the policy complaint

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

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

Noes: None

Abstain: None

Absent: None

- e. Report of research into Policy Complaint #2406, regarding searches of persons and vehicles based on smell of marijuana.
(Heard following Item #10.b.; this item postponed to the next meeting.)

10. NEW BUSINESS (discussion & action)

- a. Review changes to crowd control/crowd management policies (General Orders C-64 and U-2 and Commanders' Guide) resulting from recent lawsuit settlement; presentation by plaintiffs' attorneys.
(Heard following Item #9.a.)

Jim Chanin and Rachel Lederman, plaintiffs' attorneys in lawsuit regarding police actions on December 6, 2014, presented changes to General Orders C-64 and U-2 agreed to in settlement, and additional revisions they recommend. Matters referred to General Orders C-64, etc. Subcommittee.

- b. Assessment of Berkeley Police Department budget, including review of expenditures during FY 2016 and 2017, understanding of process and timeline for FY 2018 & 2019, how priorities are established, and other questions.
(Heard following Item #9.d. Discussed and to be continued at the next meeting.)

- c. Endorsement of a resolution to be proposed by Councilmember Davila and Mayor Arreguin opposing religious and ethnic registries, participation in the federal executive order of an immigration ban, and restricting the use of city resources to support such registries and bans.
(Heard following Item #9.c.)

Motion to endorse a resolution to be proposed by Councilmember Davila and Mayor Arreguin opposing religious and ethnic registries, participation in the federal executive order of an immigration ban, and restricting the use of city resources to support such registries and bans.

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

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

Noes: None

Abstain: None

Absent: None

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

(Heard following Item #9.e.)

Comm. Perezvelez announced that on Thursday, March 16, 7 – 9 p.m., Senate leader Kevin de Leon will be speaking on the California Values Act, preventing the use of local law enforcement from aiding federal immigration efforts, at JFK University, 100 Elmwood Way, Pleasant Hill. Free.

12. PUBLIC COMMENT

There was one speaker.

13. ADJOURNMENT

By general consent, the meeting was adjourned at 10:05 p.m.