



Police Review Commission (PRC)

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

**Wednesday, March 22, 2017
7:00 P.M.**

North Berkeley Senior Center
1901 Hearst Avenue, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR BERNSTEIN AT 7:07 P.M.

Present: Commissioner Alison Bernstein (Chair)
Commissioner George Lippman
Commissioner George Perezvelez
Commissioner Andrea Prichett
Commissioner Terry Roberts

Absent: Commissioners Kimberly DaSilva, Bulmaro Vicente, and Ari Yampolsky

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood, Sgt. Rashawn Cummings, Sgt. Sean Ross

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as written, except for the combining of Items #7 (Chief's report) and #9 (Crime report).

3. PUBLIC COMMENT

There was 1 speaker.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of February 22, 2017

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

Ayes: Bernstein, Lippman, Perezvelez, Prichett, and Roberts.

Noes: None Abstain: None Absent: DaSilva, Vicente, Yampolsky

Motion to approve Regular Meeting Minutes of March 8, 2017

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

Ayes: Bernstein, Lippman, Perezvelez, and Roberts

Noes: None Abstain: Prichett Absent: DaSilva, Vicente, Yampolsky

5. CHAIR'S REPORT

The Commission needs to amend its Regulations regarding the process to challenge a BOI commissioner and for summary dismissals.

6. PRC OFFICER'S REPORT

-- Next meeting in three weeks, April 12.

-- No new complaints filed since January 25. A Caloca hearing has been set for April 20. A BOI was held on March 16.

-- PRC Officer and Investigator attended SEEDS celebration on March 9. PRC Officer spoke about how mediation is used during our complaint process.

-- Body-worn camera language on two items PRC Officer to discuss with Chief will be on the April 12 agenda.

-- PRC Officer Met with the consultant hired by BART to conduct a review of its Independent Police Auditor's office.

-- Interim's chief's appointment as permanent chief will be on the Council's public agenda soon.

-- South Berkeley Senior Center will not be ready for use again before mid-May.

7. CHIEF OF POLICE'S REPORT

(Heard with Item #9.)

8. SUBCOMMITTEE REPORTS (discussion & action)

Report of activities and meeting scheduling for all Subcommittees, and additional discussion and action as noted for specific Subcommittees:

a. Fair & Impartial Policing Subcommittee

Report given. Next meeting March 27, 2017, 6:00 – 8:00 p.m.

Motion to renew the Fair & Impartial Policing Subcommittee.

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

Ayes: Bernstein, Lippman, Perezvelez, Prichett, and Roberts.

Noes: None Abstain: None Absent: DaSilva, Vicente, Yampolsky

b. Media Credentialing Subcommittee

(Renewal of Subcommittee postponed to the next meeting.)

c. Surveillance and Community Safety Ordinance Subcommittee

Awaiting action of Disaster & Fire Safety Commission.

d. General Orders C-64, etc. Subcommittee

Motion to renew the General Orders C-64, etc. Subcommittee.

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

Ayes: Bernstein, Lippman, Perezvelez, Prichett, and Roberts.

Noes: None
Yampolsky

Abstain: None

Absent: DaSilva, Vicente,

e. Outreach Subcommittee

i. Outreach plan was explained.

ii. Approve Subcommittee arranging for presentations to community groups.

Motion to approve of the Outreach Subcommittee making presentations to community groups if and when they are able to.

Moved/Seconded (Bernstein/Perezvelez)

And that any members of the PRC may make these presentations.

Friendly amendment Roberts, accepted by Bernstein and Perezvelez

Motion, as amended, **Carried**

Ayes: Bernstein, Lippman, Perezvelez, Prichett, and Roberts.

Noes: None Abstain: None Absent: DaSilva, Vicente.

Yampolsky

f. Homeless Encampment Subcommittee

Report given. Two recommendations will be agendized for the next meeting, to replace the recommendation that appeared on this week's agenda.

9. 2016 CRIME REPORT

Presentation by Berkeley Police Department.

(Combined with Item #7 and heard following Item #6.)

10. OLD BUSINESS (discussion & action)

a. How to proceed on Policy Complaint #2406, regarding searches of persons and vehicles based on smell of marijuana, or consider closure of complaint.

Motion to close policy complaint #2406.

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

Ayes: Bernstein, Lippman, Perezvelez, Prichett, and Roberts.

Noes: None Abstain: None Absent: DaSilva, Vicente, Yampolsky

b. Review and prioritization of questions to submit to Berkeley Police Department regarding its budget.

Following discussion, questions to be presented to Chief after relationship to specific line items is identified to PRC Officer; to be agendized for first meeting in May.

c. Continue deciding how to conduct policy review of General Order W-1, Public Recording of Law Enforcement Activity (Right to Watch), to ensure that police are not violating First Amendment protections established by case law.

(Item postponed to the next meeting.)

- d. Next steps in policy review initiated on February 22, 2017, of BPD's establishment of a perimeter around homeless encampments when enforcement actions to dismantle them is being taken, and whether the perimeters violated General Order W-1; and if a violation is found, how the policy should be revised.
(Item postponed to the next meeting.)

11. NEW BUSINESS (discussion & action)

- a. Review City Attorney's opinion regarding disclosure of informal complaints to the Police Review Commission, and consider procedures for handling informal complaints, as suggested by City Attorney, including possible amendment to PRC Regulations.
(Item postponed to the next meeting.)
- b. Whether to open a review of the Police Department's policy or procedures for determining when a school should be advised to shelter in place.
(Item postponed to the next meeting.)
- c. Prepare annual Commission Work Plan, as directed by City Council.
(Item postponed to the next meeting.)

12. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

13. PUBLIC COMMENT

There was 1 speaker.

14. ADJOURNMENT

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