



Police Review Commission (PRC)

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

**Wednesday, April 26, 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 George Lippman
Commissioner George Perezvelez
Commissioner Andrea Prichett
Commissioner Terry Roberts
Commissioner Bulmaro Vicente (arrived 7:30 p.m.)
Commissioner Ari Yampolsky

Absent: None

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Sgt. Sean Ross (BPA)

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

3. PUBLIC COMMENT

There was 1 speaker.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of March 22, 2017

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

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

Noes: None

Abstain: DaSilva

Absent: Vicente

Motion to approve Regular Meeting Minutes of April 12, 2017, with deletion of three repetitive words under Chief's report

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

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

Noes: None

Abstain: None

Absent: Vicente

5. CHAIR'S REPORT

The Chair has spoken to Commissioners about trying to do a better job listening to one another, herself included.

6. PRC OFFICER'S REPORT

BOIs held last week on Monday and Friday. Thanks to Comm. Perezvelez for serving on both, and to Comm. DaSilva for serving as last-minute replacement for Comm. Roberts, who was ill.

Caloca hearing occurred last Thursday.

South Berkeley Sr. Center won't be open before June. Multi-purpose room in North Berkeley Sr. Center has been reserved for May 24 meeting, when Dr. Goff will present CPE report.

PRC Officer will be on vacation and Byron Norris will staff the May 10 meeting.

7. CHIEF OF POLICE'S REPORT

None

8. SUBCOMMITTEE REPORTS (discussion & action)

a. Fair & Impartial Policing Subcommittee

Work on hold until CPE report is issued.

b. Surveillance and Community Safety Ordinance Subcommittee

Haven't met since last report; meeting tomorrow at 5:30 p.m.

c. General Orders C-64, etc. Subcommittee

d. Outreach Subcommittee

Staffing for the Summer of Love 50th Anniversary event, Saturday, April 29, noon – 5:00 pm., Telegraph Ave. Comm. Bernstein will take first shift and Comm. DaSilva will contact others to staff PRC booth.

e. Homeless Encampment Subcommittee

Approve follow-up letter to the City Manager and Council asking her/them to identify who is responsible for confiscating personal property from homeless encampments, and requesting that they establish a clear procedure for accounting for and returning property.

Motion to adopt and send the letter to the City Manager drafted by Commissioner Bernstein, including changing references to “property” to “non-abandoned property.”

Moved/Seconded (Prichett/Perezvelez)

Friendly amendment: In the second paragraph, replaced “failed to” with “has not” [responded]; and add that we urge you to respond by our May 10 meeting by setting forth how your office intends to respond.

Moved by Bernstein, Accepted by Prichett and Perezvelez

Motion, as amended, Carried

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

Noes: None

Abstain: None

Absent: None

Motion to send copy of this letter to the Homeless, Public Works, and Peace & Justice Commissions.

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

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

Noes: None

Abstain: None

Absent: None

9. OLD BUSINESS (discussion & action)

a. Proposed Body-Worn Camera policy

- i) Approve change to section 450.5.4 (Cessation of Recording) of PRC proposed policy, to provide that, once the BWC is activated, it “shall” (not “should”) remain on continuously until the incident is complete, etc.

Motion to adopt the proposed change.

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

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

Noes: None

Abstain: None

Absent: None

- ii) Approve change to section 450.8 (Release of Recordings), subsection (a), to add that the PRC Officer or Investigator will have access to video from the PRC office, for purposes of conducting their investigation, including using the video in interviewing complainants, subject officers, and witnesses.

Motion to adopt the language as proposed.

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

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

Noes: None

Abstain: None

Absent: None

- iii) Approve final proposed Body-Worn Camera policy and transmit to the City Manager and the City Council.

Motion to the approve the body-worn camera policy as shown on pages 59 – 66 of the agenda packet.

Moved/Seconded (Perezvelez/Roberts)

Friendly amendment: In Section 450.6, third paragraph, replace the word “where” following “departmentally issued BWC” with “only when.”

Moved by Prichett; Accepted by Perezvelez and Roberts

Motion, as amended, Carried

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

Noes: None

Abstain: None

Absent: None

- b. Amending PRC Regulations for Handling Complaints Against Members of the Police Department.
 - i) Review draft language regarding Challenge of BOI Commissioner (Section VI.C.)

By general consent, the Commission agreed to these ideas for a revised regulation:

-- A challenge to a commissioner must be filed within 7 days of notice of hearing, or 10 days prior to the BOI hearing, whichever occurs first.

-- All argument and evidence in support must be filed with the challenge.

-- The PRC Officer has one day to notify the challenged commissioner, and if he or she objects, challenged commissioner has three days to file an optional written response with supporting materials.

-- No further written arguments/evidence.

-- Challenger and commissioner challenged are present at a special meeting to hear the challenge; they will have the opportunity to present arguments and evidence, and question any witnesses.

-- If challenge upheld, the two commissioners issue written findings, which are confidential.

The Commission further agreed to have the PRC Officer bring back language for review and discussion at the next meeting.

- ii) Review draft language regarding Summary Disposition (Section VII.C.3.)
(Item postponed to the next meeting for PRC Officer input.)
- c. Review City Attorney’s opinion classifying communications complaining about specific officer conduct as “informal complaints” and prohibiting their disclosure to the full Police Review Commission, and consider procedures for handling

“informal complaints,” as suggested by City Attorney, including possible amendment to PRC Regulations.

Motion to propose an amendment to the Regulations, such that when staff receives an informal complaint as defined in the City Attorney’s memorandum to the PRC of February 15, 2017, the matter be agendized for next meeting in for closed session; that the informal complaint be distributed in closed session, and that the full Commission recommends to PRC Officer what action if any the staff should take, which may involve contacting the complainant and explaining the policy complaint and formal complaint processes.

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

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

Noes: None

Abstain: None

Absent: None

- d. Policy review of General Order W-1, Public Recording of Law Enforcement Activity (Right to Watch): consider draft of new policy.
(Item postponed to the next meeting.)
- e. Next steps in policy review initiated on February 22, 2017, assessing whether BPD’s establishment of a perimeter around homeless encampments during enforcement actions violates General Order W-1; and if a violation is found, how the policy should be revised.
(Commissioner Prichett asked that this item be removed, as it is part of Item #9.d.)
- f. Prepare annual Commission Work Plan, as directed by City Council.
(Item postponed to the next meeting.)
- g. Amendment of Standing Rules to provide a mechanism whereby Commissioners can view motions in writing before voting.

By general consent, the Commission asked the PRC Officer, who agreed, to try using Google Docs with those Commissioners who choose to use it, for drafting and viewing motions; PRC Officer to arrange to have wifi turned on at next meeting.

10. NEW BUSINESS (discussion & action)

- a. Discussion and potential action regarding failure of BPD to communicate with the PRC about planned police training using blank firing ammunition within city limits and that result in road closures.
(Item postponed to the next meeting.)
- b. Policy Complaint #2415: Decide whether to open a policy review, and if so, how to proceed.
(Item postponed to the next meeting.)

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Commissioner Vicente announced that last week he co-hosted a meeting with UCPD officers and BPD officers (including Chief Greenwood) on campus; was a positive experience for all, especially for those students who had never interacted with a police officer.

PRC Officer noted that she handed out the City Council agenda item from BPD on the UASI and NCRIC agreements; Council discussion was postponed from last night (April 25) to May 16.

12. PUBLIC COMMENT

There were two speakers.

13. ADJOURNMENT

By general consent, the meeting was adjourned at 10:07 p.m.