



Police Review Commission (PRC)

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

**Wednesday, May 10, 2017
7:00 P.M.**

North Berkeley Senior Center
1901 Hearst Avenue, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR BERNSTEIN AT 7:32 P.M.

Present: Commissioner Alison Bernstein (Chair)
Commissioner Kimberly DaSilva (Vice Chair)
Commissioner George Lippman
Commissioner Andrea Prichett
Commissioner Terry Roberts
Commissioner Bulmaro Vicente (arrived 7:44 p.m.; left 10:05 p.m.)

Absent: Commissioners: George Perezvelez, Ari Yampolsky

PRC Staff: Byron Norris, PRC Investigator

BPD Staff: Captain David Reece, Sergeant Benjamin Cardoza, Sergeant Sean Ross

2. APPROVAL OF AGENDA

The agenda was approved by general consent with the following change:

The Recommendation for Administrative Closure was moved immediately before Adjournment.

3. PUBLIC COMMENT

There was 1 speaker.

4. APPROVAL OF MINUTES

Mr. Norris requested the following correction: to add “can view motions in writing before voting” to the end of the title of Agenda Item 9.g., which currently reads: “Amendment of Standing Rules to provide a mechanism whereby Commissioners”.

Motion to approve Regular Meeting Minutes of April 26, 2017 with the above correction.

Moved/Seconded (DaSilva/Prichett) **Motion Carried Unanimously**

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

Noes: None Abstain: None Absent: Perezvelez, Yampolsky

5. CHAIR’S REPORT

Chair Bernstein announced that Councilmember Bartlett informed her that he intends to replace her on the PRC, and that she advised him to make the new appointment as soon as possible so that the new appointee is included in the initial discussions on the Center for Police Equity (CPE)’s report analyzing BPD stop data.

The Chair and PRC Officer Katherine Lee agreed that PRC staff will draft the Commission’s Work Plan for its approval.

PRC staff is working to complete the 2016 Annual Report.

6. PRC OFFICER’S REPORT

Mr. Norris reported that there were 2 new filed complaints; a Board of Inquiry hearing is scheduled for June 23rd; the Commission will resume meeting in the South Berkeley Senior Center in June; and PRC Officer Lee will return from vacation on May 17th.

7. CHIEF OF POLICE’S REPORT

Per Captain Reece, there was no Chief’s report.

In response to Commissioners’ questions, Captain Reece reported that Chief Greenwood received the CPE’s interim report analyzing BPD stop data, and that the Chief is seeking a revision to the report that distinguishes between officer-initiated stops and service-call related stops. Commissioners asked Captain Reece to communicate to the Chief its desire to receive the CPE report as soon as possible and for the Chief to communicate through the PRC Officer his timeline for doing so.

The Commission asked Captain Reece to ask Chief Greenwood to release to the PRC the Operational Plan and After-Action Report related to the April 15, 2017 protests at Civic Center Park.

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 – no new updates
- b. Surveillance and Community Safety Ordinance Subcommittee – next meeting is scheduled for May 16, 2017.
- c. General Orders C-64, etc. Subcommittee – no new updates
- d. Outreach Subcommittee

Report on the Summer of Love 50th Anniversary event, April 29; save the date for Juneteenth, Sunday, June 18th.

Commissioners DaSilva and Bernstein reported on their outreach activities at the Summer of Love event.

- e. Homeless Encampment Subcommittee - no new updates

9. OLD BUSINESS (discussion & action)

- a. Policy Complaint #2415: Decide whether to open a policy review, and if so, how to proceed.

By consensus, this item was continued to the next meeting to allow the Complainant another opportunity to attend and answer Commissioners' questions about the complaint.

- 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.) based on concepts tentatively agreed upon at April 26, 2017 meeting, and correct clerical error in Section VI.B.2. on unavailability due to Commissioner challenge.

This item was postponed to the next meeting.

- ii) Review draft language regarding Summary Dismissal (Section VII.C.3.a.) and consider deleting provision for Summary Affirmation (Section VII.C.3.b.).

Motion to revise the PRC Regulations by adopting staff's draft language for Summary Dismissal.

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

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

Noes: Prichett Abstain: None Absent: Perezvelez, Yampolsky

[Note: The consideration to delete the provision for Summary Affirmation was not addressed.]

- c. Policy review of General Order W-1, Public Recording of Law Enforcement Activity (Right to Watch): consider draft of new policy; assess propriety of BPD's establishment of a perimeter around homeless encampments during enforcement actions.

By consensus, the Commissioners continued this item to its first meeting in June 2017, and requested that PRC staff provide Commissioners with the San Francisco general order/policy, the original Training & Information Bulletin, and the two versions of BPD's W-1 General Order, and Commissioner Prichett's proposed order.

- d. 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.

This item was postponed to the next meeting.

10. NEW BUSINESS (discussion & action)

- a. Consider PRC's role in selection and evaluation of Chief of Police.

Motion to send letter to the City Manager requesting that she 1) explain the current process for evaluating the Chief of Police 2) explain how and when she would like to receive PRC's input on the Chief, and 3) ask if she intends to receive input from the public and how the PRC might assist her with that.

At Commissioner Prichett's request, the Chair divided the motion into 2 parts, by having commissioners take up and 1) and 2) as one question and 3) as a separate question:

On parts 1) and 2) of the motion:

Moved/Seconded (Prichett/Lippman) **Motion Carried Unanimously**

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

Noes: None Abstain: None Absent: Perezvelez, Yampolsky

On part 3) of the motion:

Moved/Seconded (Prichett/Lippman) **Motion Carried Unanimously**

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

Noes: None Abstain: None Absent: Perezvelez, Yampolsky

- b. Certificate of appreciation for former Commissioner William White.

Motion to approve a Certificate of Appreciation for former Commissioner William White with language submitted by

Commissioner Perezvelez and Mr. Norris for presentation at the next PRC meeting; invitation to Mr. White to attend the May 24th meeting.

Moved/Seconded (Bernstein/Prichett) **Motion Carried Unanimously**

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

Noes: None Abstain: None Absent: Perezvelez, Yampolsky

- c. Consider further amendment to PRC regulations allowing the PRC to take action against any party who knowingly submits false or misleading information to the PRC in support of a challenge to a commissioner seated on a BOI.

This item was postponed to the next meeting.

- d. Discussion of PRC response to scope of confidentiality requirement as to challenge alleging bias as to a PRC commissioner.

Motion to ask the City Attorney, or his/her designee, to attend its next meeting, or as soon as he/she can, to discuss the basis for making confidential a challenge to a commissioner that does not involve the identity of the subject officer or the events of the challenge.

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

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

Noes: None Abstain: None Absent: Perezvelez, Yampolsky

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Commissioner Vicente announced that he has graduated from the U.C. California this past weekend and that he will soon be moving out of Berkeley.

12. PUBLIC COMMENT

There were 3 speakers.

Closed Session

Pursuant to the Court's order in *Berkeley Police Association v. City of Berkeley, et al., Alameda County Superior Court Case No. 2002 057569*, the PRC will recess into closed session to discuss and take action on the following matters:

13. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE

Motion to approve Complaint #2414 for administrative closure.

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

Ayes: Bernstein, DaSilva, Lippman, and Roberts

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

End of Closed Session

14. REPORT OF ACTION TAKEN IN CLOSED SESSION

The recommendation for administrative closure was approved.

15. ADJOURNMENT

By general consent, the meeting was adjourned at 10:15 p.m.