



Police Review Commission (PRC)

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

**Wednesday, May 24, 2017
7:00 P.M.**

North Berkeley Senior Center
1901 Hearst Avenue, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR BERNSTEIN AT 8:45 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 Mary Kay Lacey (*temporary*)

Absent: Commissioners Bulmaro Vicente, Ari Yampolsky

PRC Staff: Katherine J. Lee, PRC Officer

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

2. APPROVAL OF AGENDA

Motion to consider Item #9.f., BPD budget review, first

Moved/Seconded (Lippman/Prichett) **Motion Failed**

Ayes: Lippman, Prichett Noes: Bernstein, DaSilva, Perezvelez, and Roberts

Abstain: Lacey Absent: Vicente, Yampolsky

Motion to approve agenda as written, except to consider 9.b., 9.f., 10.a, and 10.d, as the matters that are most time-sensitive.

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

Ayes: Bernstein, DaSilva, Lippman, Perezvelez, Roberts, and Lacey

Noes: Prichett Abstain: None Absent: Vicente, Yampolsky

3. PUBLIC COMMENT

There were 3 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of May 10, 2017, as amended to reflect, under #7, Chief's Report, the request that the Chief release to the PRC the April 15, 2017 operational plan and after-action report.

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

Ayes: Bernstein, DaSilva, Lippman, Perezvelez, Prichett, Roberts, and Lacey

Noes: None

Abstain: None

Absent: Vicente, Yampolsky

5. CHAIR'S REPORT

Commissioner Perezvelez presented a Certification of Appreciation to former Commissioner William White for his numerous accomplishments during 16 years of service to the PRC.

The Chair reminded the Commissioners about the purposes of the Brown Act, to shine light on decision-making of the legislative body.

6. PRC OFFICER'S REPORT

One new complaint was filed since the last meeting. The next regular PRC meeting will be three weeks from tonight, June 14.

7. CHIEF OF POLICE'S REPORT

-- This morning, Ofc. Matt McGee was promoted to Sergeant. He is the school resource officer and will stay at BHS through this school year.

-- Recently been occupied with preparing a presentation for the UASI and NCRIC agenda items, and approval for white unmarked van, for Council.

-- Also been working on CPE issues; a CPE rep was here yesterday and today, discussing climate survey with commanders, union, and supervisors. Goal = as high participation as possible.

-- Council item to approve the purchase of 200 body-worn cameras will be on the Council's June 27 agenda. After that, will develop implementation plan with Axon; deal with IT structure; and prepare a training plan.

Questions:

-- Body cameras gone through the RFP process? Yes; piggybacking off an already-established contract, following an evaluation process.

-- Why haven't you shared body-camera info with us earlier? Can't produce a plan until contract with vendor is in place. Once that happens, will share the plan for implementing the body-worn camera program.

-- Status of Lexipol policies? Review ongoing, and still plan to be giving chunks of policy to PRC for review.

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 – will schedule meeting.
- b. Surveillance and Community Safety Ordinance Subcommittee

Comm. Roberts reported that they met on May 16th and have been making progress. Next meeting is June 21st. Subcommittee is losing two members; Comm. Vicente will be off the Commission and Comm. DaSilva has asked to step down. If no other commissioners can serve, two of the three public members need to step down.

By general consent, the Commission agreed that if two public members will not step down, Subcommittee Chair Yampolsky will pull names out of a hat.

- c. General Orders C-64, etc. Subcommittee – no report
- d. Outreach Subcommittee

Berkeley Juneteenth Festival is Sunday, June 18th. PRC Officer will be calling commissioners to staff the PRC table.

- e. Homeless Encampment Subcommittee

Comm. Prichett is trying to get representative from Homeless Commission to meet with Subcommittee. Perhaps a joint meeting of the PRC Subcommittee and a subcommittee of the Homeless Commission.

9. OLD BUSINESS (discussion & action)

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

(Item postponed to the next meeting.)

- 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.

By consensus, the Commission accepted adding, at the beginning of Section VI.C.2.f.: “At the special meeting to hear the challenge, the party making the challenge shall, under oath, reiterate the basis the challenge to the commission.”

**Motion to approve all revisions to PRC Regulations Section VI.C, with language just added. [Attached to these minutes as Attachment 1].
Moved/Seconded (Bernstein/Perezvelez) Motion Carried**

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

Noes: None

Abstain: None

Absent: Vicente, Yampolsky

By consensus, the Commission asked the PRC Officer to forward the approved revisions to the City Manager, asking that they go into effect as quickly as possible, and requesting some indication as to when that might be.

(No action taken on clerical error in Section VI.B.2.)

- ii) Consider deleting provisions for Summary Affirmation (Section VII.C.3.b.)

(Item postponed to the next meeting.)

- c. 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.)

- 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.

(Item postponed to the next meeting.)

- e. 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.

(Item postponed to the next meeting.)

- f. BPD budget: Review Chief's answers to Commission's questions, and discuss timing of and resources needed to address remaining questions.

(Heard following Item #9.b.i.)

After discussion with Chief, item was postponed to the next meeting or, possibly to a special meeting.

10. NEW BUSINESS (DISCUSSION & ACTION)

- a. Proposal to ask the City Manager and/or City Council to seek to change the 120-day limit on imposition of discipline in the ongoing contract negotiations with the Berkeley Police Association.

(Item postponed to the next meeting.)

- b. Discussion and possible policy review of BPD's policy regarding recommendation to the Berkeley Unified School District that schools shelter in place.

(Item postponed to the next meeting.)

- c. Whether to review Commander's Guide in light of recent events requiring crowd management and crowd control.

(Item postponed to the next meeting.)

- d. Approval of questions to the City Attorney in advance of her appearance to discuss the scope of confidentiality requirements as to a challenge alleging bias to a PRC commissioner.

Motion to submit the questions proposed by Commissioner Bernstein to the City Attorney's Office in advance of her appearing at a PRC meeting.

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

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

Noes: None

Abstain: None

Absent: Vicente, Yampolsky

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There were 2 speakers.

13. ADJOURNMENT

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