



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, June 14, 2017
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR DASILVA AT 7:08 P.M.

Present: Commissioner Kimberly DaSilva (Chair)
Commissioner Gwen Allamby
Commissioner George Lippman
Commissioner George Perezvelez
Commissioner Andrea Prichett
Commissioner Elliot Halpern (*temporary*)
Commissioner Mary Kay Lacey (*temporary*)

Absent: Commissioners: Clarence Ford, Terry Roberts, Bulmaro Vicente, Ari Yampolsky

PRC Staff: Katherine J. Lee, PRC Officer

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

2. APPROVAL OF AGENDA

The PRC Officer explained her misunderstanding regarding succession of a chairperson who leaves the commission. A new chairperson, not vice-chairperson, must be elected.

The agenda, revised to remove Item #6 (Election of Chairperson), was approved by general consent.

3. PUBLIC COMMENT

There were 6 speakers.

4. APPROVAL OF MINUTES

Motion to approve *Special Meeting* minutes of May 24, 2017, with the addition of Commissioner Lacey to the “Aye” vote on Item #4.

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

Ayes: Allamby, DaSilva, Lippman, Perezvelez, Prichett, Halpern, and Lacey.

Noes: None Abstain: None Absent: Ford, Roberts, Vicente, Yampolsky

Motion to approve *Regular Meeting minutes of May 24, 2017, as submitted.*

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

Ayes: Allamby, DaSilva, Lippman, Perezvelez, Prichett, and Lacey.

Noes: None Abstain: Halpern Absent: Ford, Roberts, Vicente, Yampolsky

5. CHAIR'S REPORT

Commissioner Kim DaSilva announced she is Chairperson until the election of a new chair at next meeting.

New Commissioner Gwen Allamby was introduced. She said she was born and raised in Berkeley and retired from the UC system.

By general consent, the Commission agreed to recognize former Commissioner and Chairperson Alison Bernstein with a certificate of appreciation.

6. ELECTION OF VICE-CHAIRPERSON

(Removed from agenda.)

7. PRC OFFICER'S REPORT

-- One new complaint filed today. Decision in Caloca appeal was received, upholding PRC's decision. Will be agendized for a future closed session.

-- Working on 2016 Annual Report.

-- Will report on pending agenda items for future PRC meetings so Commissioners know they haven't been forgotten.

-- Kristy van Herick of City Attorney's office will attend a PRC meeting in July to answer Commissioner's questions they submitted regarding confidentiality of BOI commissioner challenges.

-- PRC Officer will miss the June 28 meeting.

8. CHIEF OF POLICE'S REPORT

-- Chief Greenwood reported on current numbers of personnel, including those in training; promotions; and retirements.

-- Upcoming activities include UC track meet on Saturday, Juneteenth Festival on Sunday, and a contingent at the SF Pride Parade a week from Sunday.

-- Upcoming Council activity: special meeting June 20 to consider the UASI agreement, NCRIC relationship, and panel van; at June 27 meeting, item to purchase body cameras.

-- Summary of trainings given.

-- Major projects include body cameras and a major CAD (computer aided dispatch) system upgrade.

- Currently in contract negotiations with BPA.
- Will be conducting a series of 4 community meetings in various parts of town.
- Offer to give Commissioners a tour of the jail when it is open, and property room.

Questions

- Any further info on CPE report clarity and timing? No.
- Are officers being paid for participation in Pride parade? Unsure; officers are often paid for participating in community activities.
- Have officers been doing training on LBGQT issues, and does this represent a change? Yes. Concerns about Dept. were voiced that didn't reflect narrative of culture. At IACP conference last Oct., several officers attended classes on community relations and LBGQT issues. One step is to focus on Pride month. Pride flag is hanging in the lobby, and Dept. has issued pins for officers to wear. Next step is to do more training.
- Is officer participation in training monitored? Yes, but would take significant amount of time to figure out cost for each training. All training orders are furnished to the PRC office. (PRC Officer to provide to Commissioners.)

9. SUBCOMMITTEE REPORTS (discussion & action)

Report of activities and meeting scheduling for all Subcommittees, possible appointment of new members to all Subcommittees, and additional discussion and action as noted for specific Subcommittees:

a. Fair & Impartial Policing Subcommittee

Will schedule a meeting.

b. Surveillance and Community Safety Ordinance Subcommittee

Next meeting June 21.

c. General Orders C-64, etc. Subcommittee

PRC Officer to facilitate scheduling a meeting.

d. Outreach Subcommittee

Volunteers were confirmed for Juneteenth, Sunday, June 18th.

The Subcommittee will pause its activities, and its future will be agendized for the September 6, 2017 meeting.

e. Homeless Encampment Subcommittee

Approval for Subcommittee to meet with Homeless Commission or subcommittee, to discuss topics of mutual interest.

Motion to authorize the Homeless Encampment Subcommittee to meet with the Homeless Commission or a subcommittee or representatives of that commission.

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

Ayes: Allamby, DaSilva, Lippman, Perezvelez, Prichett, Halpern, and Lacey.
Noes: None Abstain: None Absent: Ford, Roberts, Vicente, Yampolsky

Chairperson DaSilva made the following subcommittee appointments:

Commissioners Allamby and Halpern to the Fair & Impartial Policing and the Surveillance Ordinance Subcommittees; Commissioner DaSilva to the Homeless Encampments Subcommittee.

10. OLD BUSINESS (DISCUSSION & ACTION)

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

Motion to invite the complainant to speak to the full commission at a meeting at a time certain, at a time of her convenience.

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

Ayes: Allamby, DaSilva, Lippman, Perezvelez, Prichett, Halpern, and Lacey.

Noes: None Abstain: None Absent: Ford, Roberts, Vicente, Yampolsky

- b. Amending PRC Regulations for Handling Complaints Against Members of the Police Department.

- i) Correct clerical error in Section VI.B.2. on unavailability due to Commissioner challenge.

Motion to accept recommendation from staff to amend the PRC Regulations to reflect the correct section [VI.C.] in Section VI.B. "Designation," on the "Unavailability of BOI Member."

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

Ayes: Allamby, DaSilva, Lippman, Perezvelez, Prichett, Halpern, and Lacey.

Noes: None Abstain: None Absent: Ford, Roberts, Vicente, Yampolsky

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

Motion to accept staff recommendation that the PRC Regulations be amended to delete Section VII.C.3.b. on Summary Affirmation.

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

Ayes: Allamby, DaSilva, Lippman, Perezvelez, Prichett, Halpern, and Lacey

Noes: None Abstain: None Absent: Ford, Roberts, Vicente, Yampolsky

- c. Policy review of General Order W-1, Public Recording of Law Enforcement Activity (Right to Watch): consider draft of new policy.

Motion to invite commissioners to provide the PRC Officer with suggested amendments and comments to revised General Order W-01 for consideration by a full commission working group, to be agendaized for the first Commission meeting in July.

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

Ayes: Allamby, DaSilva, Perezvelez, Prichett, Halpern, and Lacey.

Noes: Lippman Abstain: None Absent: Ford, Roberts, Vicente, Yampolsky

- 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.
(Withdrawn by Commissioner Perezvelez)
- e. Consider 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.
(Postponed to July 12 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 #10.c.)
Discussion occurred and to be continued at the July 12 meeting.
- g. Discussion and possible policy review of BPD's policy regarding recommendation to the Berkeley Unified School District that schools shelter in place.
(Postponed to July 12 meeting.)

11. NEW BUSINESS (discussion & action)

- a. Prioritize tasks undertaken or under consideration by PRC.
(Postponed to next meeting.)
- b. Whether to reinstate Media Credentialing Subcommittee.
(Postponed to next meeting.)
- c. Request that Chief provide written report of remaining steps needed to procure body-worn cameras for BPD officers and to implement the program.
(Heard following Item #10.f.)
Chief reported that contract with Axon is on Council's June 27 agenda. This item to be continued so updates can be provided.
- d. Consider making a recommendation to City Council regarding BPD's participation in the Urban Shield exercise.
Discussion occurred without action taken.

12. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

13. PUBLIC COMMENT

There were 4 speakers.

14. ADJOURNMENT

By general consent, the meeting was adjourned at 10:30 p.m.