



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, July 12, 2017
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR LIPPMAN AT 7:06 P.M.

Present: Commissioner George Lippman (Chair)
Commissioner Gwen Allamby
Commissioner Cooper Price
Commissioner Andrea Prichett
Commissioner Terry Roberts
Commissioner Ari Yampolsky (arrived 7:30 p.m.)
Commissioner Elliot Halpern (*temporary*)

Absent: Commissioners Kim DaSilva, Clarence Ford, George Perezvelez

PRC Staff: Katherine J. Lee, PRC Officer

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

2. APPROVAL OF AGENDA

With the postponement of the certificate of appreciation and noting that Item 9.b. in Old Business is in fact a New Business item, the agenda was approved by general consent.

3. PUBLIC COMMENT

There were 8 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of June 28, 2017

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

Ayes: Allamby, Lippman, Price, Roberts, Yampolsky, and Halpern.

Noes: None Abstain: Prichett Absent: DaSilva, Ford, Perezvelez

5. CHAIR'S REPORT

-- An item will be on the July 25 City Council agenda affecting the PRC: suggestions pertaining to our mandate, short and long-term. Will agendize for July 26 meeting.

-- Council Committee on Urban Shield has been formed; 6-month mandate. Committee members are Arreguin, Davila, Harrison, Wengraf.

-- Have heard interest from commissioners and staff on making commission more efficient. 7 suggestions for doing so:

1. Keep meetings as short as possible; 3 hours or shorter.
2. Keep comments on topic and don't repeat others' comments.
3. Reduce the number of items on the agenda; More discussion doesn't mean we're accomplishing more
4. Make real priorities and stick to them.
5. When appropriate, move discussions to subcommittee.
6. Don't use non-action sections of the agenda to start substantive discussions.
7. Read entire packet before the meeting.

That said, city business sometimes unpredictable and urgent matters may require taking precedence or holding another meeting.

6. PRC OFFICER'S REPORT

-- Reinforcing Chair's comment, at the last meeting a question to the Chief during his report re DUI checkpoints turned into a lengthy discussion; to avoid Brown Act violations, should avoid such discussions and instead agendize the topic.

-- Status of complaints: 3 new complaints filed since the last meeting.

-- Agenda items being held over or upcoming: 1) Assistant City Attorney attending July 26 meeting re questions on confidentiality of the BOI commissioner challenge process; her answers to be provided in writing beforehand. 2) Chair & I have discussed timing of annual Mutual Aid Pacts review and thus it was not agendized for today's meeting. Will start review each Sept. with goal of having recommendation to Council ready when BPD sends its compendium of pacts for approval each January or so.

-- NACOLE Conference Sept. 10-14 in Spokane, WA. PRC Officer & Investigator will attend as they have in past years; no budget to send commissioners but they are welcome to attend on their own.

-- PRC Officer will coordinate with commissioners and the BPD times and dates for 2 separate jail and property room tours, one in August and one in Sept.

7. CHIEF OF POLICE'S REPORT

-- The Chief reported on departmental staffing.

-- Currently in contract negotiations with the BPA.

-- Hiring new and lateral police officers; application period open July 24 – August 21. Please get word out to community.

-- Chief holding 4 community forums in various locations. First one July 17, Berkeley Adult School; then Aug 8, South Berkeley Library; Aug. 24, Berkeley Jewish Community Center; Sept. 7 location TBD. All 6 – 9 p.m. Will make opening comments and also request input about issues, strengths, areas for improvement. Reps from various divisions -- detectives, PEOs, traffic, CSOs -- as well as beat officers for that area will be present to engage with community. Feedback from all forums to be collected and help inform direction of BPD.

-- National Night Out August 1; interested commissioners invited to join Chief. Begins with kick-off at BPD, then go out to various block parties.

-- On Sept. 9 supporting a community supply bank sponsored by a nonprofit and Mayor's office to distribute backpacks/school supplies.

-- Awaiting word from CPE. Prepared to reply timely

Questions:

-- First time for forums? Haven't held for quite some time.

-- Had a discussion with CPE? Expecting a response soon.

-- BPD job description online? Yes. Google Berkeley Human Resources and Police. Also looking at ways to broaden recruitment, e.g. recruiting at a national alumni meeting of historically black colleges in DC.

-- Thanks for providing training orders. How do you know which officers to send to what trainings? Is there an overall curriculum? How do you establish a training objective? There are a broad variety of trainings people are sent to, so there is no easy answer. Some are unit-specific, such as detectives. Some concern special assignments, like sexual assault. Every 2 months a day of field training. *(Topic to be agendaized for a future meeting; meanwhile, PRC Officer to provide additional training orders.)*

8. 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

Met July 6; discussed recent events around CPE report and resolved to continue with their report and come back to PRC with disposition. Next meeting Thursday, Aug. 3 at 6:00 p.m.

b. Surveillance and Community Safety Ordinance Subcommittee

At July 10 meeting made significant progress on proposed ordinance; next meeting will be next Monday or Tuesday; will then be ready to forward to full Commission for review and recommendation.

- c. General Orders C-64, etc. Subcommittee

PRC Officer to schedule meeting.

- d. Homeless Encampment Subcommittee

July 11 meeting held in conjunction with Homeless Encampment Subcommittee of Homeless Commission. Trying to gather various proposals that relate to the topic. Next meeting Tuesday, Aug. 8 at 7:00 p.m.

9. OLD BUSINESS (discussion & action)

- a. Review Chief Greenwood's response to City Council regarding release of CPE report.

Discussed without action taken.

- b. Whether to open review of BPD's actions at the June 20, 2017 City Council meeting.

Motion to open up a process to review police use of force after the City Council meeting of June 20, 2017.

Moved/Seconded (Halpern/Price)

Substitute motion: To undertake a review of whether the police response on June 20, 2017 resulted from militarization of the BPD and, if so, whether that is desirable.

Moved by Prichett, died for lack of second

Friendly amendment: That the motion be reworded to open an investigation into whether the police response at and after the Council meeting was appropriate, and to create a subcommittee for that purpose.

Moved by Prichett; Accepted by Halpern and Price

Friendly amendment: to add, following, "appropriate," "to determine whether the Department was acting within current policy."

Moved by Roberts, rejected by Halpern

Substitute Motion: to add, following, "appropriate," "to determine whether the Department was acting within current policy."

Substitute motion died for lack of a second.

Motion, as amended: To open an investigation into whether the police response at and after the June 20, 2017 City Council meeting was appropriate, and to create a subcommittee for this purpose.

Moved/Seconded (Halpern/Price) **Amended Motion Carried**

Ayes: Allamby, Lippman, Price, Prichett, Yampolsky, and Halpern.

Noes: Roberts Abstain: None Absent: DaSilva, Ford, Perezvelez

Chair Lippman appointed Commissioners Prichett, Roberts, and Halpern to the subcommittee.

By general consent, the Commission asked the PRC Officer to request the operational plan, after-action report, incident reports, police videos,

Councilmembers' communications and concerns, emails from public to Council, emails from/to BPD on this subject.

c. Prioritization of Commission tasks

i) Prioritize tasks undertaken or under consideration by PRC

By consensus, the Commissioners agreed that they would rank the tasks on the list attached to the agenda packet, including the subcommittees, and adding the Council Committee on UASI/NCRIC and the Police Accountability Reform referral, and send rankings to the PRC Officer, who will compile them into an overall ranking.

ii) Review and approve Commission's 2017-2018 Work Plan 2:47

Motion to adopt the draft Work Plan attached to the packet, with the understanding that the PRC Officer may add some items from the Commissioners' prioritized list.

Moved/Seconded (Price/Halpern) **Motion Carried**

Ayes: Allamby, Lippman, Price, Prichett, Roberts, Yampolsky, and Halpern

Noes: None Abstain: None Absent: DaSilva, Ford, Perezvelez

d. Continue policy review of General Order W-1, Public Recording of Law Enforcement Activity (Right to Watch): consider draft of new policy.
(Item postponed to a future meeting.)

e. BPD budget: Review Chief's answers to Commission's questions, and discuss timing of and resources needed to address remaining questions.
(Item postponed to a future meeting.)

f. 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.
(Item postponed to a future meeting.)

g. 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 a future meeting.)

h. Continue review of new procedure for handling of informal complaints
(Item postponed to a future meeting.)

i. Whether to reinstate Media Credentialing subcommittee, and if so, establish scope of work.
(Item postponed to a future meeting.)

10. NEW BUSINESS (discussion & action)

a. Possible participation in National Night Out, August 1, 2017.
(Item postponed to a future meeting.)

b. Observing 2017 Urban Shield exercise.
(Item postponed to a future meeting.)

- c. Whether to open review of DUI checkpoints.
(Item postponed to a future meeting.)

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There was 1 speaker.

13. ADJOURNMENT

By general consent, the meeting was adjourned at 10:00 p.m.