



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, July 26, 2017
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR LIPPMAN AT 7:07 P.M.

Present: Commissioner George Lippman (Chair)
Commissioner Gwen Allamby
Commissioner Cooper Price
Commissioner Andrea Prichett
Commissioner Terry Roberts
Commissioner Ari Yampolsky
Commissioner Elliot Halpern (*temporary*)

Absent: Commissioners Clarence Ford, Kimberly DaSilva, George Perezvelez

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood, Sgt. Sean Ross (BPA)

2. APPROVAL OF AGENDA

By general consent, the Commission agreed to re-order the agenda by first taking Items 9.c., 9.d., 10.b. (depending on arrival of Assistant City Attorney), 10.c., and 10.a.

3. PUBLIC COMMENT

There were 4 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of July 12, 2017.

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

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

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

5. CHAIR'S REPORT

No report.

6. PRC OFFICER'S REPORT

-- Complaint status: no new complaints filed since the last meeting. A BOI has been scheduled for August 17.

-- A preliminary list of neighborhood groups participating in National Night Out has been distributed. Brochures available here tonight for those who want them.

-- Reminder about the remaining BPD community forums: Aug. 8, Aug. 24, and Sept. 7 (see p. 133 of packet); PRC Chair and BPD Chief encourage commissioners to attend one of them.

-- Not all Commissioners have responded to the Doodle poll for the jail and property room tours.

-- Note the memo on friendly amendments and substitute motions in p. 139 of the packet.

-- Next regular PRC meeting will be Sept. 6., *first* Weds. in September.

7. CHIEF OF POLICE'S REPORT

-- Chief Greenwood reported on current staffing levels and recruitment efforts.

-- Officers Rafferty and Parsons have been promoted to Sergeant.

-- Recent crime activity includes a triple shooting at Bowditch and Durant; and two parties shooting at each other from cars near San Pablo Park.

-- National Night Out Aug. 1. Will kick off at BPD with City staff and then go out into neighborhoods.

-- BPD Community Forums. Next one Aug. 8, Tarea Hall Pittman So. Berkeley Library. Berkeleyside streamed and posted video of the 1st forum.

-- Supporting school supplies event at San Pablo Park Sept. 9.

-- Reiterate invitation to a Commissioner to attend the IACP conference.

-- Substantial support provided for family of Ofc. Roberds as well as officers, including visits from counselors, chaplain and rabbi; peer crisis team, clinicians.

-- Staff putting together a Principled Policing class, which will be part of state POST curriculum. Original target date of two weeks from now has been postponed; resources being shifted to focus to mental health of officers, in wake of recent event.

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 earlier this month; next meeting Aug. 3; will address draft CPE report.
- b. General Orders C-64, etc. Subcommittee
PRC Officer to schedule next meeting for Aug. 10, sometime bt. 1 – 5 p.m.
- c. Homeless Encampment Subcommittee
Met alongside Homeless Encampment Subcommittee of Homeless Commission on June 20, and next meeting of both groups will be Aug. 8 at 7:00 p.m.
- d. June 20, 2017 Subcommittee
Next meeting will be Aug. 9 at 1:00 p.m.

9. OLD BUSINESS (discussion & action)

- a. Release of Draft Interim Report from the Center for Policing Equity.
(Item postponed to the next meeting.)
- b. Prioritization of Commission tasks: Report results of Commissioners' rankings.
(Item postponed to the next meeting.)
- c. Possible participation in National Night Out, August 1, 2017.
(Heard following Item #10.b.)
Discussion; no action taken.
- d. Observing 2017 Urban Shield exercise.
Logistics of Chief taking interested commissioners to view tactical scenarios discussed. PRC Officer to help coordinate.
- e. 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 the next meeting.)

10. NEW BUSINESS (discussion & action)

- a. Message of sympathy to family of Ofc. Roberds and to BPD.
(Heard following Item #9.d.)
By general consent, the Commission approved the PRC Officer's suggested messages of sympathy to the family of Ofc. Alan Roberds and to the Berkeley Police Department.
- b. City Attorney's Office response to Commission's questions regarding requirements of confidentiality applied to challenges of commissioners selected to Board of Inquiry hearings.
(Heard following Item #8.)
Assistant City Attorney Kristy van Herick elaborated on her memo to the Commissioners and answered questions. Additional, related to be agendized.
No action taken.

- c. Approval of recommended draft Surveillance & Community Safety Ordinance; possible dissolution of Subcommittee.
(Heard following Item #10.a.)

Presentation by Subcommittee members. Public comment opened. (No speakers.)

Motion to recommend to the City Council that it enact the Surveillance and Community Safety Ordinance propose by the Surveillance & Community Safety Ordinance Subcommittee.

Moved/Seconded (Yampolsky/Halpern)

Motion to amend the main motion by deleting from the proposed Ordinance subpart 4, providing for criminal penalties, of Section 10 (Enforcement).

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

Ayes: Allamby, Halpern, Roberts, and Yampolsky

Noes: Lippman, Price, Prichett Abstain: None

Absent: DaSilva, Ford, Perezvelez

Motion to amend the main motion by deleting from the proposed Ordinance subpart 1) i), concerning information about public records act requests, of Section 3 (Definitions).

Moved (Roberts). **Motion failed for lack of a second.**

Motion to amend the main motion by changing the title of the Ordinance to “Surveillance Technology Use and Community Surveillance Ordinance”; and by deleting, in Section 11 (Secrecy of Surveillance Technology) “future” in the first paragraph and “existing and future” in the second paragraph.

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

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

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

Motion to recommend to the City Council that it enact the Surveillance and Community Safety Ordinance proposed by the Surveillance & Community Safety Ordinance Subcommittee, as amended above.

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

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

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

By general consent, the Commission dissolved the Surveillance & Community Safety Ordinance Subcommittee.

- d. Support for Council Committee on Urban Shield participation and NCRIC relationship.

(Item postponed to the next meeting.)

- e. How to proceed on City Council referral regarding police accountability reform measures.

(Item postponed to the next meeting.)

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There were 2 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 matter(s):

13. STAFF RECOMMENDATION FOR ADMINISTRATIVE CLOSURE – COMPLAINT #2421

Motion to approve Complaint #2421 for administrative closure.

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

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

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

End of Closed Session

14. ANNOUNCEMENT OF CLOSED SESSION VOTE

The vote to administratively close Complaint #2421 was announced.

15. ADJOURNMENT

By general consent, the meeting was adjourned at 10:18 p.m.