



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, September 6, 2017
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR LIPPMAN AT 7:09 P.M.

Present: Commissioner George Lippman (Chair)
Commissioner Gwen Allamby
Commissioner Clarence Ford
Commissioner Sahana Matthews
Commissioner George Perezvelez
Commissioner Andrea Prichett
Commissioner Terry Roberts
Commissioner Ari Yampolsky

Absent: None

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Lt Angela Hawk, Sgt. Rashawn Cummings

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

3. PUBLIC COMMENT

There were 6 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of July 26, 2017.

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

Ayes: Allamby, Ford, Lippman, Matthews, Prichett, Roberts, and Yampolsky.

Noes: None

Abstain: Perezvelez

Absent: None

5. CHAIR'S REPORT

-- Commissioner Perezvelez presented a certificate of appreciation to former Commissioner Alison Bernstein.

-- New Commissioner Clarence Ford introduced himself. He is a master's candidate at the Goldman School of Public Policy focusing on criminal justice reform. He is a Berkeley native with a background in community organizing and advocacy. Appointed by Mayor Arreguin.

-- New Commissioner Sahana Matthews introduced herself. She is in her 3rd year at Cal majoring in Political Economy. She interned this summer for her appointer, Councilmember Worthington, and worked on the proposal for a ballot measure for police accountability reform.

6. PRC OFFICER'S REPORT

-- Status of complaints: two new complaints filed since the last meeting; one rejected as being beyond 180-day time limitation and other will be brought to the next meeting for administrative closure.

-- Urban Shield logistics: those who expressed interested in attending will be getting more details directly from the BPD very soon.

-- Four Commissioners went on a tour of the jail and property room. Will schedule another for interested Commissioners.

-- Comm. DaSilva resigned; still awaiting new appointment from Councilmember Maio.

-- List of pending agenda items was read.

7. CHIEF OF POLICE'S REPORT

-- Lt. Angela Hawk reported on behalf of Chief Greenwood, who apologizes for absence; his is busy planning for protests on Sept. 14 and whole week at end of month.

-- Staffing: Down 4 more since last report to 162 sworn, but good news is many applicants in last recruiting effort have met minimum qualifications.

-- Urban Shield exercises this weekend. Commission observers will get email tonight with details on attending.

-- BPD Community Forum tomorrow night at San Pablo Park, Frances Albrier Center, 6 p.m. Staff from different parts of BPD will be there to answer Qs.

Questions:

-- Reason for the 4 personnel leaving? Not sure; probably a combination of retirement, disability, resignation.

-- Body-worn cameras: what is the project plan? Don't have details but know they've been working on it. Will ask Chief to report to PRC Officer.

-- Regarding August 27 protests: Could we get a copy of the After-Action report? What sort of photographing were officers doing that day, as it seemed there was deliberate photographing of faces? Could we get additional information about how much effort went into outreach to protesting groups before the day of the event? Were outside agencies briefed regarding Berkeley's policies, including use of pepper spray and tasers? Could we get an inventory of types and amounts of munitions used? Lt. Hawk will forward questions to Chief Greenwood.

8. ELECTION OF VICE-CHAIRPERSON OF COMMISSION

Comm. Roberts nominated Comm. Perezvelez, who declined.

Comm. Prichett nominated Comm. Roberts. Comm. Yampolsky seconded the nomination. Comm. Roberts declined.

Chair. Lippman nominated Comm. Allamby, Comm. Perezvelez seconded the nomination.

Comm. Allamby was elected Vice-Chairperson by acclamation.

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

Been meeting regularly, including today. Making great progress on writing report; will bring to Commission in 2 or 3 meetings.

Chair Lippman appointed Commissioner Ford to the subcommittee and re-appointed Elliot Halpern as a public member of the subcommittee.

b. General Orders C-64, etc. Subcommittee

Met once in August. Discussed standards for reporting use of force. Next meeting to be scheduled.

c. Homeless Encampment Subcommittee

Aug. 29 meeting had to be cancelled. Next meeting to be scheduled.

d. June 20, 2017 Subcommittee (Review of BPD Response at City Council meeting)

Met twice; developed list questions and issues. Next meeting Sept. 12, to develop notice and discuss outreach for the Oct. 4 meeting, at which public testimony will be taken.

Chair Lippman appointed Comm. Matthews to the subcommittee and appointed Elliott Halpern as a public member of the subcommittee.

e. Outreach Subcommittee

Renewal of subcommittee not practical right now, but perhaps Comm. Matthews and PRC Officer can move outreach efforts forward, based on subcommittee's 5-point plan.

By general consent, the Outreach Subcommittee was dissolved.

- f. Re-establish Mutual Aid Pacts Subcommittee and appoint members
(Discussion to be continued at next meeting.)
- g. Whether to reinstate Media Credentialing Subcommittee; if so establish scope of work
(Item postponed to the next meeting.)

10. OLD BUSINESS (discussion & action)

- a. Review of and response to draft CPE report.
(Discussion to be continued at next meeting.)
- b. Prioritization of Commission tasks
Following discussion, top 5 issues appear to be: General Orders [C-64, U-2] Subcommittee, Fair & Impartial Policing, BPD response to June 20, Urban Shield/NCRIC, Police Accountability reforms. Perhaps can fold review of Mutual Aid Pacts into Urban Shield/NCRIC. Commissioners who haven't sent in rankings to PRC Officer should do so.
- c. Continue policy review of General Order W-1, Public Recording of Law Enforcement Activity (Right to Watch): consider draft of new policy.

Main motion: to recommend that the BPD adopt the proposed General Order W-01 dated 7-20-17.

Moved/Seconded (Prichett/Lippman) **Vote on motion postponed to the next meeting.**

Motion to amend the main motion by deleting the second sentence in the second paragraph under "Policy," "In all instances, it is expected that officers will conduct themselves in a professional manner, exercising good judgment and treating all persons courteously."

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

Ayes: Allamby, Ford, Lippman, Matthews, and Prichett.

Noes: Roberts, Yampolsky Abstain: Perezvelez Absent: None

Motion to amend the main motion by taking out the last sentence of numbered paragraph 4 and inserting a new numbered paragraph 5 consisting of all of section D. 1 of the SFPD General Order.

Moved/Seconded (Matthews/Allamby) **Motion carried**

Ayes: Allamby, Ford, Lippman, Matthews, Perezvelez, Prichett, and Yampolsky.

Noes: Roberts Abstain: None Absent: None

Motion to amend the main motion by adding, under the "Procedures" section, all of section 6, except for the 1st sentence, from BPD General Order W-1, issued November 10, 2016.

Moved/Seconded (Matthews/Perezvelez) **Vote on motion postponed to the next meeting.**

- d. BPD budget: Review Chief's Commission's questions, and discuss timing of and resources needed to address remaining questions.
(Item postponed to the next meeting.)
- e. Consider amendments to PRC regulations regarding challenge to a commissioner seated on a BOI.
(Item postponed to the next meeting.)
- f. Support for Council Committee on Urban Shield participation and NCRIC relationship.
(Item postponed to the next meeting.)

11. NEW BUSINESS (discussion & action)

- a. Proposal for plan for professional development/training of BPD officers
(Item postponed to the next meeting.)
- b. Review "Urgency Ordinance to Authorize the City Manager to Issue Rules for Street Events without Permits," passed by City Council August 18, 2017, and its application the weekend of August 26-27.
(Item postponed to the next meeting.)
- c. Consider action regarding Item [tentatively #48] on City Council's September 12, 2017 agenda regarding Police Accountability Reform.
(Item postponed to the next meeting.)

12. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

13. PUBLIC COMMENT

There were no 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):

14. STATUS OF REPORT OF INVESTIGATION IN CASE #2419

End of Closed Session

15. ANNOUNCEMENT OF CLOSED SESSION ACTION

No reportable action taken.

16. ADJOURNMENT

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