



Police Review Commission (PRC)

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

**Wednesday, October 25, 2017  
7:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY CHAIR GEORGE LIPPMAN AT 7:11 P.M.**

Present: Commissioner George Lippman (Chair)  
Commissioner Gwen Allamby (Vice Chair) (left 9:50 p.m.)  
Commissioner Clarence Ford  
Commissioner Sahana Matthews  
Commissioner Andrea Prichett  
Commissioner Ari Yampolsky

Absent: Commissioners George Perezvelez, Terry Roberts

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Lt. Angela Hawk, Sgt. Rashawn Cummings

**2. APPROVAL OF AGENDA**

**With the moving of Agenda Item #9.g. (Annual Report) to the first Old Business item, the agenda was approved by general consent.**

**3. PUBLIC COMMENT**

There was 1 speaker.

**4. APPROVAL OF MINUTES**

**Motion to approve Regular Meeting Minutes of October 11, 2017**

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

Ayes: Allamby, Ford, Lippman, Matthews, Prichett, Yampolsky

Noes: None Abstain: None Absent: Perezvelez, Roberts

**5. CHAIR'S REPORT**

-- The Chair attended, courtesy of the BPD, the International Association of Chiefs of Police (IACP) convention the past weekend in Philadelphia. IACP is about 120

years old; thousands in attendance. Went to many workshops and plenaries. Much dialogue over last several years in aftermath of Ferguson and 21<sup>st</sup> century policing. Learned a lot more about concepts such as procedural justice, which we should talk about here. Know the Police Dept. is looking forward to training on that.

(Lt Hawk: Dept. is preparing a procedural justice class. Have done training on fair & impartial policing ideas and tenets. 21<sup>st</sup> century policing is required reading for supervisors and lieutenants.)

-- Chair asks if anyone is interested in hosting a PRC holiday party or to be on a planning committee.

-- On Tuesday [Oct. 31], 3 items before Council of interest to the PRC: One is Use Of Force reporting: item to primarily extend reporting to almost all types of UOF. Revised item has been distributed tonight; among the changes, it calls for submission of the revised General Order to be submitted to PRC. The other two call for short-term changes and long-term changes. Commissioners are encouraged to review the items and attend Council meeting if you can.

## **6. PRC OFFICER'S REPORT**

-- Complaint deadline report distributed. BOI last night. Two new complaints filed since last meeting. One being brought back for administrative closure tonight.

-- Running list of pending agenda items was read.

-- Next two months one meeting each: November 15 and December 13.

-- Surveillance Ordinance and report in system for Nov. 14 Council meeting; they are in packet. (Chair asks that the item be pushed to the Dec. 5 Council meeting.)

-- Supplemental Council agenda item for Oct. 31 re UOF has been passed out.

## **7. CHIEF OF POLICE'S REPORT**

Lt. Hawk reported on behalf of Chief Greenwood:

-- Chief went to IACP conference.

-- Staffing: up to 161, but officer retiring Monday. Several potential hires.

-- Finished response to North Bay fires on Sunday. Tons of positive feedback from the community.

-- Beefing up staffing for Halloween; extra staffing for Russell St.

-- Training next Thurs: Disaster preparedness / urban search & rescue focusing on earthquakes.

Questions:

-- Article about white nationalist group RAM (Rise Above Movement in Pro Publica [reprinted in Berkeleyside today] included comment about their activity in Berkeley. No one been prosecuted despite evidence about what they've done. Lt. Hawk: don't know if members of that group were arrested; prosecution is up to the DA's office.

-- Happy to see After Action Reports, but seeming reluctance to name right wing groups, compared to the left groups that are named. Concern there is a bias. Also, last Friday, Berkeley High incident where dean of attendance, 3 students and one parent were arrested; could we please get a report? Lt. Hawk: Request will be passed along to the Chief.

#### **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. Working on the last couple of pieces of report; possible last meeting Nov. 2 at 6:00 p.m.
- b. General Orders C-64, etc. Subcommittee. No one responded to the Doodle poll so PRC Officer will send a new one.
- c. Homeless Encampment Subcommittee. Trouble scheduling meeting because unable to obtain quorum of this subcommittee and Homeless Commission's subcommittee on same date. Need more people on both subcommittees.
- d. June 20, 2017 Subcommittee (Review of BPD Response at City Council meeting). Next, and possibly last, meeting to be held Nov. 7.
- e. Mutual Aid Subcommittee. Still no subcommittee yet.

#### **9. OLD BUSINESS (discussion & action)**

- a. Provide further direction regarding new Right to Watch General Order adopted October 11, 2017.

**Motion to change "should" to "shall" in the second paragraph under "Policy"; and to recommend that the Berkeley Police Department adopt this General Order and ask for their prompt consideration**

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

Ayes: Allamby, Ford, Lippman, Matthews, Prichett, Yampolsky

Noes: None Abstain: None Absent: Perezvelez, Roberts

- b. Consider amendments to PRC regulations regarding challenge to a commissioner seated on a Board of Inquiry.

**Motion to adopt Commissioner Lippman's proposed change to the PRC Regulations, as amended.**

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

Ayes: Allamby, Ford, Lipmann, Matthews, Prichett, Yampolsky

Noes: None Abstain: None Absent: Perezvelez, Roberts

*[The adopted provision, to appear within Section VI.C., and showing the amendment made at the meeting, reads:*

Upon the request of any sitting Commissioner, or at the discretion of the PRC Officer, the PRC Officer will provide the full Commission with all information,

unredacted, including confidential information, submitted in relation to a challenge of a BOI commissioner, including but not limited to the challenge, the response to the challenge, materials supporting the challenge and response, and the decision on the challenge. Any confidential information ~~provided to commissioners~~ may be discussed only in closed session and shall be treated as described in Section IV. CONFIDENTIALITY OF PERSONNEL MATTERS of these regulations.]

- c. Observations of PRC Commissioners who attended Urban Shield exercise Sept 8 or 9.

**Motion revisit the topic of the PRC's mutual aid pacts recommendation at the November 15 meeting, request that Commissioners who have observations of Urban Shield write them up for the Commission, and that last year's PRC action on the mutual aid pacts be included in the next agenda packet for review.**

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

Ayes: Allamby, Ford, Lippman, Matthews, Prichett, Yampolsky

Noes: None      Abstain: None      Absent: Perezvelez, Roberts

- d. Proposal for BPD Accountability Plan, including professional development/training of BPD officers, department budget, etc.

*(Item discussed; to be continued at next meeting.)*

- e. Review Council revision of policy banning use of pepper spray in crowd control and resulting changes to General Order U-2; and review response, if any, from Council and staff to PRC's letter of on lack of consultation with the PRC on this and other policy changes.

**Motion to recommend to the City Council that it adopt the proposed resolution repealing its September 2017 pepper spray policy change, with the addition of language in the "resolved" paragraph prohibiting use of OC against individuals in a crowd.**

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

Ayes: Allamby, Lippman, Matthews, Prichett, Yampolsky

Noes: None      Abstain: Ford      Absent: Perezvelez, Roberts

- f. Rescind Standing Rule prohibiting non-Berkeley residents from sitting as community members on PRC subcommittees.

*(Item continued to the next meeting.)*

- g. Review and approval of 2016 Annual Report

*(Heard following Item #8.d.)*

**Motion to add, on p. 4, just before the Mediation section, "The PRC is concerned that the Board of Inquiry process has become weakened over time and looks forward to seeing it strengthened both through**

**modification of its own regulations and through legislation from the City Council.”**

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

Ayes: Allamby, Ford, Lippman, Matthews, Prichett, Yampolsky

Noes: None Abstain: None Absent: Perezvelez, Roberts

**Motion to approve the 2016 Annual Report as amended.**

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

Ayes: Allamby, Ford, Lippman, Matthews, Prichett, Yampolsky

Noes: None Abstain: None Absent: Perezvelez, Roberts

## **10. ANNOUNCEMENTS , ATTACHMENTS & COMMUNICATION**

Attached.

## **11. PUBLIC COMMENT**

There was 1 speaker.

*Closed Session*

## **12. VOTE ON RECOMMENDATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2426**

**By general consent (Comm. Allamby absent), the Commission voted to administratively close Complaint #2426.**

*End of Closed Session*

## **13. ANNOUNCEMENT OF CLOSED SESSION VOTE**

The unanimous vote to administratively close Complaint #2426 was announced.

## **14. ADJOURNMENT**

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