



Police Review Commission (PRC)

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

**Wednesday, November 15, 2017**  
**7:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY CHAIR LIPPMAN AT 7:03 P.M.**

Present: Commissioner George Lippman (Chair)  
Commissioner Gwen Allamby (Vice-Chair)  
Commissioner Clarence Ford  
Commissioner Sahana Matthews  
Commissioner George Perezvelez (arr. 7:30 p.m., left 9:59 p.m.)  
Commissioner Andrea Prichett  
Commissioner Terry Roberts  
Commissioner Michael Sherman  
Commissioner Mary Kay Lacey (temporary)

Absent: Commissioner Ari Yampolsky

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andrew Greenwood, Lt. Angela Hawk, Sgt. Rashawn Cummings

**2. APPROVAL OF AGENDA**

**The agenda, with the moving of Item #10.a. to before Old Business, was approved by general consent.**

**3. PUBLIC COMMENT**

There were 2 speakers.

**4. APPROVAL OF MINUTES**

**Motion to approve Regular Meeting Minutes of October 25, 2017**

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

Ayes: Allamby, Ford, Lippman, Matthews, Prichett

Noes: None            Abstain: Lacey, Roberts, Sherman  
Absent: Perezvelez, Yampolsky

**5. CHAIR'S REPORT**

Significant items involving the PRC were on Council's agenda last night.

**6. PRC OFFICER'S REPORT**

- No new complaints filed since the last meeting.
- Clarifying announced attendance at the October 25 meeting: Comm. Sherman not absent because not yet sworn in. Comm. Perezvelez did inform staff he would not be attending.
- Next PRC meeting will be Dec. 13, last meeting of the year.
- Continuation of BOI hearing taking place this Friday.
- 2016 Annual Report mailed to Commissioners; copies available here for the public and posted online.
- PRC item to Council on reverting to original Pepper Spray policy is going to Council on Dec. 5.
- Running list of pending agenda items read.
- Original Council items involving PRC are in agenda packet; revised items have been handed out.

Question:

- Status of last regulation change? Staff to draft impacts letter to BPA re whether they think it's subject to meet and confer.
- Move all pending agenda items to next agenda? Could do that or perhaps go through another prioritization process.

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

Chief Greenwood reported:

- Staffing continues to be extremely critical. Currently at 161, from 176 budgeted. Today, 2 more officers gave notice they're going to other agencies and 1 officer will be retiring. Bike patrol suspended; narcotics unit supporting investigations division. All agencies – regionally and nationally -- having problem finding candidates. Scott Castle promoted to Sergeant.
- Attended IACP conference in Philadelphia. Lots of good sessions, including re Body-Worn Cameras.
- Attended California Police Chiefs Assoc. "Women Leaders in Law" conference along with Lt. Hawk and several others from BPD.
- 120 Body-Worn Cameras are plugged in and charging at BPD. Training starts the week after Thanksgiving. Meet-and-Confer with BPA on the policy will occur soon. Policy primarily says "shall" record. Custodial interviews "should" be recorded, but document and explain if you don't. Will provide policy to PRC. Aiming to go live mid-Dec.
- Upcoming training on Principled Policing in Sacramento; includes concepts of explicit and implicit bias.

- Sunday, Nov. 19, Chief will be on a panel discussion with Chiefs of Richmond and El Cerrito at the Albany library on Marin.
  - By your next meeting will be delivering several dozen Lexipol policies.
- Questions:
- Reaction of IACP attendees to current administration's disregard of 21<sup>st</sup> C policing principles? No specific pronouncement by IACP leadership, but among police chiefs in his circles, they like it, fully support it, and not stepping away from the tenets. Still a mandatory read for promotional process for sergeants and lieutenants.
  - Still coming to December meeting for BWC demo? Yes. Training on draft policy? Yes. How do you handle lessons learned from IACP? Chief and rest of command staff to be one of the first ones trained.
  - Any "grace period" for BWC policy violations during first month or three of implementation? Haven't formulated yet; want to be flexible.
  - Can the police legitimacy training be shared? Yes, after a cycle of the training is done. Relationship to procedural justice? Same concepts. External and internal legitimacy. Recommended read: "Why People Obey the Law" by Tom Tyler.
  - Have 40% of officers been through the 37-hour CIT training? Don't know the exact number but do know BPD sends officers every time Alameda Co. offers slots.
  - Why conversion to Lexipol? Answer best provided in a presentation by officers working on it. [To be agendized; and PRC Officer to report on historical background.]

## **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. General Orders C-64, etc. Subcommittee – Two members need to respond to Doodle poll
- b. Homeless Encampment Subcommittee – The Chair appointed Comm. Sherman to this subcommittee. PRC Officer to forward Doodle poll to him.
- c. June 20, 2017 Subcommittee (Review of BPD Response at City Council meeting) – Might wrap up work with one more meeting; next meeting scheduled for Nov. 30 at 6:00 p.m.
- d. Re-establish Mutual Aid Subcommittee and appoint additional members – Chair Lippman appointed himself to the subcommittee.

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

- a. Rescind Standing Rule prohibiting non-Berkeley residents from sitting as community members on PRC subcommittees.  
(*Heard following Item #10.a.i.*)

**Original motion: to amend the Standing Rules by deleting subpart a) of Section J, requiring public members of PRC subcommittees to be Berkeley residents.**

Moved/Seconded (Prichett/Matthews)

**Friendly amendment: to allow members of the public to serve on PRC Subcommittees, but if not a Berkeley resident, they do not have a vote.**

Moved by Matthews; not accepted by Prichett

**Substitute motion: to allow members of the public to serve on PRC Subcommittees, but if not a Berkeley resident, they do not have a vote.**

Moved/Seconded (Matthews/Roberts) **Motion Failed**

Ayes: Roberts                      Noes: Allamby, Lippman, Prichett

Abstain: Ford, Matthews, Perezvelez, Sherman, Lacey    Absent: Yampolsky

**Vote on original motion: Motion Failed**

Ayes: Lippman, Matthews, Prichett.

Noes: Allamby, Perezvelez, Roberts, Sherman    Abstain: Ford, Lacey

Absent: Yampolsky

**Motion to reconsider substitute motion**

Moved by Lippman; motion died for lack of second.

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

*(Item continued to the next meeting.)*

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

*(Item continued to the next meeting.)*

## **10. NEW BUSINESS (discussion & action)**

- a. Fair & Impartial Policing Subcommittee

- i.) Consider and approve report from the Subcommittee, and forward to the City Council, City Manager, and Chief of Police.

*Heard following Item #8.d.*

**Motion to add, in the first sentence after the bullet point in subsection A.2 of Section 7 “In addition, that the City hire or engage a 3<sup>rd</sup> party to review the data and report to the Council and Commission semiannually.”**

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

Ayes: Allamby, Ford, Lippman, Matthews, Perezvelez, Prichett, Roberts, Sherman, and Lacey.

Noes: None

Abstain: None

Absent: Yampolsky

**Motion to insert, to the fourth paragraph of subsection A.2. of Section 7, in the sentence “BPD’s report to PRC should include stop data by officer,” the phrase, “including the number of years of BPD experience of the officer, . . .”**

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

Ayes: Allamby, Ford, Lippman, Matthews, Perezvelez, Prichett, Roberts, Sherman, and Lacey.

Noes: None

Abstain: None

Absent: Yampolsky

**Motion to revise subsection B.6. of Section 7 to read: “As part of the quarterly report, BPD should detail what steps it has taken to address problems, along with any indication of policies or orders that drove any disparate behavior.”**

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

Ayes: Allamby, Ford, Lippman, Matthews, Perezvelez, Prichett, Roberts, Sherman, and Lacey.

Noes: None

Abstain: None

Absent: Yampolsky

**Motion to adopt entire report as amended and send to the City Council and City Manager**

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

Ayes: Allamby, Ford, Lippman, Matthews, Perezvelez, Prichett, Roberts, Sherman, and Lacey.

Noes: None

Abstain: None

Absent: Yampolsky

- ii.) Dissolve Fair & Impartial Policing Subcommittee.  
*(Item continued to the next meeting.)*
- iii.) Review and consider next steps regarding City Council’s November 14 action to address racial disparity in police practices and other short-term reforms.  
*(Item continued to the next meeting.)*
- b. Review and consider next steps regarding City Council’s October 31 action revising the reporting requirements in General Order U-2, Use of Force.  
*(Item continued to the next meeting.)*
- c. Police Department’s timeline for implementation of body-worn camera program, including finalization of General Order governing use of and access to video.  
*(Item continued to the next meeting.)*
- d. Proposal to create a new subcommittee to identify where more civilian authority and oversight over the police department is warranted, with the goal of recommending changes to or a restructuring of the Police Review Commission.
  - i.) Review and consider next steps regarding City Council’s November 14 action on broader or longer-term changes to PRC structure and authority.  
*(Items continued to the next meeting.)*

## **11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

Attached.

**12. 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):

**13. REPORT ON STATUS OF COMPLAINT #2424**

***End of Closed Session***

**14. ANNOUNCEMENT OF CLOSED SESSION ACTION**

No reportable action taken.

**15. ADJOURNMENT**

**By general consent, the meeting was adjourned at 10:11 p.m.**