



Police Review Commission (PRC)

A handwritten signature in black ink, appearing to read "Katherine J. Lee", is located in the upper right corner of the page.

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

**Wednesday, December 13, 2017
7:00 P.M.**

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR LIPPMAN AT 7:10 P.M.

Present: Commissioner George Lippman (Chair)
Commissioner Gwen Allamby (Vice-Chair)
Commissioner Andrea Prichett
Commissioner Terry Roberts
Commissioner Michael Sherman
Commissioner Elliot Halpern (temporary)

Absent: Commissioner Clarence Ford, Sahana Matthews, George Perezvelez, Ari Yampolsky

PRC Staff: Katherine J. Lee, PRC Officer; PRC Investigator Byron Norris (left 9:00 p.m.)

BPD Staff: Chief Andy Greenwood and Lt. Joe Okies (left 9:00 p.m.); Lt. Angela Hawk, Sgt. Rashawn Cummings, and Sgt. Sean Ross (BPA) (left 9:40 p.m.)

2. APPROVAL OF AGENDA

With the following changes: to accept public comment on the Mutual Aid Pacts, Item #8.e., just before consideration of the item; move Item #9, Body-Worn Camera Presentation to after Item #7; and postpone Item #10.b. and #14; the agenda was approved by general consent.

3. PUBLIC COMMENT

There were 10 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of November 15, 2017

Moved/Seconded (Allamby/Roberts) **Motion Carried**
Ayes: Allamby, Lippman, Prichett, Roberts, and Sherman.
Noes: None Abstain: Halpern
Absent: Ford, Matthews, Perezvelez, Yampolsky

5. CHAIR'S REPORT

- Surveillance Ordinance will be before Council on Jan. 23, 2018; postponed from Dec. 5 as the City Manager asked for more time.
- PRC's Fair Impartial Policing Report will be on Council's Jan. 23, 2018 agenda as Information Item.
- We should make sure to get to Item #11.a., change to Standing Rules tonight.
- The PRC's recommendation on the Pepper Spray policy is on the Council's agenda for Dec. 19.

6. PRC OFFICER'S REPORT

- a. -- Complaint deadlines report was distributed and discussed.
- A fillable complaint form (PDF) is now on the PRC's website.
- List of pending agenda items was read, including Lexipol polices from BPD and Council referral on Dept. of Defense sec. 1033 program.
- b. Approve PRC Regular Meeting schedule for 2018.

Motion to adopted the proposed PRC Regular Meeting schedule for 2018

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

Ayes: Allamby, Lippman, Prichett, Roberts, Sherman, and Halpern
Noes: None Abstain: None
Absent: Ford, Matthews, Perezvelez, Yampolsky

7. CHIEF OF POLICE'S REPORT

Chief Greenwood reported:

- Staffing - now a critical shortage; currently 160 sworn officers. Will have to shut down some units such as bike patrol.
- Just came from Downtown Berkeley Association / Chamber holiday event where Jeremy Lathrop was honored as officer of the year.
- Toys for Tots drive this Saturday. Contributions accepted at GoFundMe.com/BPA-holiday-toy-drive
- Attended meeting hosted by ACLU with police chiefs from Richmond and El Cerrito.
- Have done body-worn camera training over the past couple of weeks.

The Chief answered questions from Commissioners.

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

- b. Homeless Encampment Subcommittee
- c. June 20, 2017 Subcommittee (Review of BPD Response at City Council meeting) – next meeting Monday, Dec. 18, 1:30 p.m., at 1947 Center St.
- d. Fair & Impartial Policing Subcommittee
-- Dissolve Subcommittee

(Items 8.a. through 8.d. postponed to the next meeting.)

- e. Mutual Aid Pacts Subcommittee
(Heard following Item #9)

- i.) Discuss and approve subcommittee recommendations

Motion to accept proposed recommendation regarding ICE on lines 1-23 of p. 19 of the packet.

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

Ayes: Lippman, Prichett, Sherman, and Halpern.

Noes: None Abstain: Allamby, Roberts

Absent: Ford, Matthews, Perezvelez, Yampolsky

Motion to approve proposed recommendation on UASI/Urban Shield (p. 20, lines 45-52 of the packet).

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

Ayes: Lippman, Prichett, Sherman, and Halpern

Noes: Allamby, Roberts Abstain: None

Absent: Ford, Matthews Perezvelez, Yampolsky

(Remainder of recommendations continued to the next meeting.)

- ii) Discuss observations of PRC Commissioners who attended Urban Shield exercise Sept. 8 or 9.

(Incorporated into discussion of 8.e.i.)

- iii.) Dissolve subcommittee or consider renaming.

(Item postponed to the next meeting.)

9. SPECIAL PRESENTATION BY CHIEF OF POLICE

(Followed Item #7)

Chief Greenwood and Lt. Okies presented a PowerPoint and passed around body-worn cameras to explain how the cameras will operate and how footage is stored.

10. OLD BUSINESS (discussion & action)

- a Review and consider next steps regarding City Council's October 31, 2017 action revising the reporting requirements in General Order U-2, Use of Force.
(Item postponed to the next meeting.)

- b. 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. *(Item postponed to the next meeting.)*
- c. Proposal for BPD Accountability Plan, including professional development/training of BPD officers, department budget, etc. *(Item postponed to the next meeting.)*

11. NEW BUSINESS (discussion & action)

- a. Suspension of Standing Rules regarding timing of election of chair and vice-chair. *(Heard following Item #8.a.)*

Motion to suspend the Standing Rules and hold the 2018 election of the Chairperson on January 24th.

Moved/Seconded (Lippman/Sherman)

(The second was later withdrawn; discussion to be continued at the next meeting).

- b. Review specially equipped panel van use policy. *(Item postponed to the next meeting.)*
- c. Consider whether to accept Policy Complaint #2433 and, if accepted, what steps to take. *(Item postponed to the next meeting.)*

12. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

13. PUBLIC COMMENT

There were 3 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. PETITION FOR REHEARING IN COMPLAINT #2422

(Item postponed to the next meeting.)

15. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2431 FOR FAILURE TO STATE A PRIMA FACIE CASE

By general consent, the recommendation to administratively close Complaint #2431 was approved.

**16. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2435
BECAUSE IT IS FRIVOLOUS**

(Discussed; to be continued to the next meeting.)

End of Closed Session

17. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

The vote on Item #15, to approve the recommendation for administrative closure in Complaint #2431, was announced.

18. ADJOURNMENT

By general consent, the meeting was adjourned at 10:05 p.m.

