



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, January 24, 2018
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

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

Present: Commissioner Sahana Matthews (Chair)
Commissioner George Lippman (Vice-Chair) (arrived 7:45 p.m.)
Commissioner Clarence Ford
Commissioner Andrea Prichett
Commissioner Terry Roberts
Commissioner Michael Sherman

Absent: Commissioners Gwen Allamby, George Perezvelez, Ari Yampolsky

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood (left 8:25 p.m.); Lt. Angela Hawk; Sgt. Benjamin Cardoza, Sgt. Sean Ross (BPA)

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

3. PUBLIC COMMENT

There were 5 speakers.

4. APPROVAL OF MINUTES

Regular Meeting of January 10, 2018.

Motion to approve Regular Meeting Minutes of January 10, 2018

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

Ayes: Ford, Matthews, Prichett, Roberts, Sherman

Noes: None Abstain: None

Absent: Allamby, Lippman, Perezvelez, Yampolsky

5. CHAIR'S REPORT

-- Comm. Matthews thanked the Commissioners for the opportunity to serve as Chair. Her goals for the year include allowing everyone a chance to voice their opinions, and to be more efficient in getting through the agendas.

-- PRC's report on Fair & Impartial Policing, on Council's agenda last night as an Information Item, was pulled by Councilmember Worthington and placed on the March 13 agenda.

-- Council took no action last night on the Surveillance Ordinance; will consider at its January 30 meeting.

-- Comm. Lippman will continue as the PRC's representative to the Council Subcommittee on Urban Shield and NCRIC; typically the PRC Chair would serve, but he will continue as he's done a lot of work on the subcommittee.

6. PRC OFFICER'S REPORT

-- One new complaint filed since the last meeting; a late file to be discussed in tonight's closed session. BOI on Jan.12 went until midnight. Next BOI Feb. 22.

-- Closed session agenda items are worded as approved by the City Attorney's Office; public comment is agendized before each closed session, but not within the closed session.

-- Prioritization/PRC Task List on p. 13 of packet (for Discussion and Action) – Survey Monkey poll is ready to go; commissioners will be asked to prioritize each task from 1 to 5. Results to be published in next meeting's agenda meeting.

By general consent the June 20 item will be deleted from the list, as the Commission's work is almost done.

-- Problem with packets not being received in timely manner was acknowledged.

-- Next meeting three weeks from now, on Feb. 14.

7. CHIEF OF POLICE'S REPORT

Chief Greenwood reported:

-- Staffing still in crisis. Now at 159 sworn with two leaving in Feb. One lateral coming. May have to draw down from other units to keep patrol teams staffed. Currently accepting applications for entry level and laterals. Perhaps Commissioners put out the message that BPD is hiring. Like to hire folks from community. Also think about how to improve recruitment and retention in general. Of the 159, 9 out on injury. 4 in academy, 2 in field training, so actual working officers quite low. Have been increasing social media presence, attending events, sending directed emails, posting online.

-- Sgt. Tate has convened wellness & resiliency work group. Met; surveyed. Have installed a healthy snack bar as an alternative to the usual carb-heavy snacks.

-- Kevin Gilmartin, nationally known speaker, did all-day training on emotional survival for law enforcement @ UC Theater; 170 from other agencies too. Presenting to Santa Rosa PD April 26 and 27; would like to invite PRC Commissioners.

-- Have hosted two meetings of the City Council ad hoc subcommittee on NCRIC/Urban Shield: 1) Urban Shield participants spoke to Councilmembers; 2) Special Response Team command gave presentation. Offering SRT presentation for PRC; would be very informative.

-- Tomorrow is the second large-scale training class on Principled Policing/Procedural Justice. Materials are in today's agenda packet.

Chief Greenwood 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 – last meeting had to be cancelled; PRC Officer to schedule new meeting date.

b. Homeless Encampment Subcommittee

-- Next meeting Jan. 31, 6:00 p.m., North Berkeley Sr. Ctr.

City Council ad hoc committee has drafted new policy; Comm. Prichett to attend their Monday meeting to try to bridge subcomm. and ad hoc committee work.

Comm. Yampolsky has resigned from the subcomm. and the Homeless Commission subcommittee also lost one of its members.

-- Renewal of Subcommittee

The Homeless Encampment Subcommittee was renewed by general consent.

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

i) Discuss and approve Subcommittee recommendations

Motion that the PRC adopt the findings and recommendations by the subcommittee and refer them to the Police Chief and the City Manager, and request the BPD and CM submit a report back within 90 days, specifically addressing issues and questions and issues in each of the findings, and stating what specific actions will be taken to improve BPDs response in these situations in the future.

Moved/Seconded (Roberts/Matthews)

Motion to postpone this matter until the next meeting.

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

Ayes: Ford, Lippman

Noes: Matthews, Prichett, Roberts, Sherman

Abstain: None Absent: Allamby, Perezvelez, Yampolsky

Substitute motion to regard the Subcommittee's recommendation as a draft that the PRC Officer should submit to the Police Chief and City Manager, indicating that the PRC is considering the draft, and request their review and response within 60 days; the Subcommittee to revise its findings and recommendations based on the Chief's response.

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

Ayes: Ford, Lippman, Matthews, Prichett, Roberts, Sherman

Noes: None Abstain: None

Absent: Allamby, Perezvelez, Yampolsky

- ii) Dissolve Subcommittee
(Item postponed to the next meeting.)

d. Mutual Aid Pacts Subcommittee

- i) Discuss and approve last subcommittee recommendation on remaining BPD agreements and understandings
(Heard following 8.d.ii)

Motion to approve all remaining BPD agreements and understandings except the Law Enforcement Mutual Aid Plan

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

Ayes: Lippman, Matthews, Prichett, Roberts, Sherman

Noes: None Abstain: Ford

Absent: Allamby, Perezvelez, Yampolsky

- ii) Discuss and approve recommendation from subcommittee member:
Law Enforcement Mutual Aid Plan

Motion to adopt the proposed recommendation on p. 25 of the January 10, 2018 agenda packet: that the PRC approve the California Law Enforcement Mutual Aid Plan MOU, with a recommendation for BPD follow-up to modify General Order M-2, Mutual Aid Agreements with Law Enforcement Agencies, by adding a new Paragraph 6 to reflect the City Council's direction.

Motion died for lack of a second.

Motion to postpone the vote on this item until Commissioners have all relevant materials, including the Calif. LEMA Plan, organized to facilitate our understanding.

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

Ayes: Ford, Lippman, Matthews, Prichett, Roberts, Sherman

Noes: None Abstain: None

Absent: Allamby, Perezvelez, Yampolsky

- iii) Dissolve subcommittee or consider renaming
(Item postponed to the next meeting.)

9. OLD BUSINESS (discussion & action)

- a. Review and consider next steps, including establishing a subcommittee, regarding City Council's November 14 action on broader or longer-term changes to PRC structure and authority.
(Discussion begun; continued to the next meeting.)
- b. Consider whether to accept Policy Complaint #2433 and, if accepted, what steps to take.
(Item postponed to the next meeting.)
- c. Review specially equipped panel van use policy.
(Item postponed to the next meeting.)
- d. Decide how to address City Council referral regarding City's enrollment in the Department of Defense 1033 Program
(Item postponed to the next meeting.)
- e. Proposal for BPD Accountability Plan, including professional development/training of BPD officers, department budget, etc.
(Item postponed to the next meeting.)
- f. 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.)

10. NEW BUSINESS

- a. Establish subcommittee to review and make recommendations on Lexipol policies from BPD.
(Item postponed to the next meeting.)
- b. Commendations of BPD personnel:
 - i) Establish process for review and communication back to BPD.
 - ii) Review commendations of BPD personnel for January to August 2017 and direct PRC Officer to communicate to BPD.
(Items postponed to the next meeting.)

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There were 4 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. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2424
Motion to administratively close Complaint #2424 due to the fact that the complainant withdrew her complaint.

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

Ayes: Lippman, Roberts, Sherman

Noes: Ford, Matthews, Prichett Abstain: None

Absent: Allamby, Perezvelez, Yampolsky

14. CONSIDER WHETHER TO ACCEPT LATE-FILED COMPLAINT #2438
Motion to accept the late-filed Complaint #2438 for good cause.

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

Ayes: Ford, Lippman, Matthews, Prichett, Roberts, Sherman

Noes: None Abstain: None

Absent: Allamby, Perezvelez, Yampolsky

End of Closed Session

15. ANNOUNCEMENT OF CLOSED SESSION ACTIONS

The failed vote to close Complaint #2424 and the affirmative vote to accept late-filed Complaint #2438 were announced.

16. ADJOURNMENT

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