



Police Review Commission (PRC)

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

**Wednesday, February 28, 2018**  
**7:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY CHAIR MATTHEWS AT 7:08 P.M.**

Present: Commissioner Sahana Matthews (Chair)  
Commissioner George Lippman (Vice-Chair)  
Commissioner Gwen Allamby  
Commissioner George Perezvelez (left 9:24 p.m.)  
Commissioner Andrea Prichett (arrived 7:14 p.m.)  
Commissioner Terry Roberts  
Commissioner Michael Sherman  
Commissioner Ari Yampolsky (arrived 7:12 p.m.)

Absent: None

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Lt. Kevin Reece, Sgt. Rashawn Cummings, Sgt. Sean Ross (BPA)

**2. APPROVAL OF AGENDA**

**By general consent, the Commissioners approved the agenda, including Commissioner Roberts's request to consider Item #10.a. before Item #9.c.**

**3. PUBLIC COMMENT**

There were 2 speakers.

**4. APPROVAL OF MINUTES**

**The Regular Meeting Minutes of February 14, 2018 were approved by general consent.**

**5. CHAIR'S REPORT**

The community group working on a charter amendment is called Berkeley Community United for Police Oversight; its ballot initiative was filed with the City Clerk and should be available by the next meeting.

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

- Case deadlines report distributed. No new complaints filed since last meeting. BOI last Thursday.
- Policy complaint is placed earlier on today's agenda. As a matter of service to the public, Commission should act on it timely.
- Reminder that the Surveillance Ordinance and the Fair & Impartial Policing Report are on the City Council's March 13 agenda.
- Copies of communications re your Feb. 14 actions on the armored panel van and good governance accountability plan in packet.

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

Lt. Kevin Reece reported on behalf of Chief Greenwood, who is appearing before the Commission on the Status of Women tonight.

- Currently at 157 sworn officers, including 4 in academy now (really 3 because one was injured), 3 in field training, and 10 on injury leave. Hiring 6 recruits to start in the next academy class. Current recruitment: 140 of 270 applicants met minimum qualifications. Written tests given and physical agility tests coming up.
- New timesheets [schedules] start March 11. Expect to lose at least 3 officers to retirement and several others to other agencies in next few months. Using a variety of strategies to staff patrol teams. Continue to invite Commission to consider of ways to support hiring, retaining and recruiting officers.
- Anticipate promotions in spring.
- Contract negotiations ongoing.
- Chief has received and is reviewing PRC's recommendations on the Right to Watch general order and the armored van policy.
- iPhones for the body-worn cameras have been configured and delivered to small group of officers to make sure they work properly.
- Anticipate sharing more Lexipol policies with the Commission soon.

Lt. Reece 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 – Comm. Perezvelez has resigned from this subcommittee; PRC Officer will facilitate scheduling of next meeting.

- b. Homeless Encampment Subcommittee – Would like to meet, and not wait for Council’s ad hoc committee. PRC Officer to contact Homeless Commission secretary to coordinate scheduling a meeting.
- c. Mutual Aid Pacts Subcommittee
  - i) Consider rescinding recommendation on MOU with Dept. of Homeland Security/US ICE and adopting new recommendation.

**Motion to rescind entire recommendation previously made, and to adopt a new recommendation that reads as follows “Approve the ICE MOU with the proviso that it be modified to reflect the following: BPD shall not provide stand-by security service for USICE investigations or enforcement actions or otherwise be involved in any way with facilitating or aiding in an ICE operation. This shall not prevent BPD from responding to a public safety emergency related to an ICE action; in such event BPD shall explain the facts giving rise to its action in a written report to the Berkeley City Council and the Police Review Commission at the earliest opportunity.”**

Moved/Seconded (Sherman/Prichett)

**Substitute Motion:**

**Same as the original motion, with the addition of this language: “Additionally, the sanctuary city policy shall be amended to affirm that non-violent civil disobedience to prevent ICE detention and/or removal of undocumented immigrants from Berkeley would be, as policy, set as the lowest priority of the BPD.”**

Moved/Seconded (Lippman/Prichett) **Substitute Motion Failed**

Ayes: Lippman, Sherman

Noes: Perezvelez, Roberts, Yampolsky

Abstain: Allamby, Matthews, Prichett                      Absent: None

**Original Motion (Sherman/Prichett) Carried**

Ayes: Lippman, Matthews, Prichett, Roberts, Sherman, and Yampolsky.

Noes: Allamby              Abstain: Perezvelez              Absent: None

- ii) Dissolve subcommittee or consider renaming.

**Motion to dissolve the Mutual Aid Pacts Subcommittee**

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

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

Noes: None                                      Abstain: None                                      Absent: None

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

- a. Consider whether to accept Policy Complaint #2433 and, if accepted, what steps to take.

**Motion to open a policy complaint #2433 and direct the PRC Officer to communicate with the BPD about policies regarding the treatment of**

**homeless people as described by the complainant in section 4 of her complaint.**

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

Ayes: Allamby, Lippman, Matthews, Sherman, and Yampolsky.

Noes: Perezvelez

Abstain: Prichett, Roberts

Absent: None

- b. 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.

**Motion to send re-send the PRC's June 14, 2016 letter to the City Council to the City Manager, and ask her to take into consideration the first two items, regarding the 120-day limit on the imposition of discipline, and use of the preponderance of the evidence standard, in the current negotiations with the BPA.**

Moved/Seconded (Matthews/Perezvelez)

**Friendly amendment: that a copy of the letter be sent to the City Council as well.**

Moved by Lippman; Accepted by Matthews and Perezvelez

**Motion, as amended, Carried**

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

Noes: None

Abstain: None

Absent: None

- c. Proposal for BPD performance audit.  
(*Heard following Item #10.a.*)

**Motion to adopt proposed resolution for a Performance Audit of the BPD as found on pp. 25-26 of the agenda packet, with the following changes:**

-- **2<sup>nd</sup> Whereas, replace "There has been no indication that there has been an . . ." with "The Chief has told the PRC that he is unaware of any . . ."**

-- **3<sup>rd</sup> Whereas, replace "Peace Officers" with "Police," and "POA" with "BPA".**

-- **Section 1., insert, after "City of Berkeley," "either by internal audit or"**

-- **Section 1.c., add, "This should include an examination of how much time patrol officers spend responding to people with mental health issues, and to what degree can mental health professionals be utilized to respond to incident involving with mental health disabilities."**

-- **Section 1.h., revised to read, "How effectively is BPD handling complaints? How can this be improved?"**

-- **Section 1.j., move the second question into a separate section and renumber as appropriate.**

-- **Throughout, change "BPD" to "we" as appropriate, for consistency.**

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

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

Noes: None

Abstain: None

Absent: Perezvelez

**By general consent, the Commission asked the PRC Officer to include reference to the 2002 and 2012 reports from the City Auditor on the Police Staffing Audit as background information in the referral.**

- 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. Establish subcommittee or other means to review and make recommendations on Lexipol policies from BPD.  
*(Item postponed to the next meeting.)*
- f. 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.  
*(Item postponed to the next meeting.)*

**10. NEW BUSINESS (discussion and action)**

- a. BPD staffing shortage  
*(Heard following Item #9.b.)*  
*Discussion begun; to be continued at next meeting.*

**11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

Attached.

**12. PUBLIC COMMENT**

There was 1 speaker.

**13. ADJOURNMENT**

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