



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, April 25, 2018
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR MATTHEWS AT 7:13 P.M.

Present: Commissioner Sahana Matthews (Chair)
Commissioner Gwen Allamby
Commissioner Kitty Calavita
Commissioner George Perezvelez
Commissioner Michael Sherman
Commissioner Ari Yampolsky
Commissioner Victoria Legg (*Temporary Appt.*)
Commissioner George Lippman (*Temporary Appt.*)

Absent: Commissioners Andrea Prichett, Terry Roberts

PRC Staff: Katherine J. Lee, PRC Officer; Byron Norris, PRC Investigator.

BPD Staff: Chief Andy Greenwood, Capt. Rico Rolleri, Lt. Angela Hawk, Sgt. Ben Cardoza, Sgt. Sean Ross (BPA)

2. APPROVAL OF AGENDA

With the reordering of the agenda to consider Item #8 after Item #9, the agenda was approved by general consent.

3. PUBLIC COMMENT

There were 7 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of April 11, 2018.

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

Ayes: Allamby, Calavita, Matthews, Perezvelez, Sherman, Yampolsky, Legg, and Lippman.

Noes: None

Abstain: None

Absent: Prichett, Roberts

5. CHAIR'S REPORT

- Russell Bloom, the BART Independent Auditor, is present today; he is a former PRC commissioner.
- Kitty Calavita, new appointee to the Commission, introduced herself. She moved to Berkeley 2010; has a PhD in sociology, specializing in law & criminology; taught at UC Irvine; has researched immigration policy; most recent project on prisoner grievance systems in Calif.
- Victoria Legg, temporary appointee, introduced herself; She is on the Disaster & Fire Safety Commission and its Undergrounding Subcommittee; on the Vision 2050 Task Force Steering Committee; a co-leader of the quality of life workgroup.
- The Chair will be attending the Center for Policing Equity (CPE) conference with Chief Greenwood next week, and CPE will be presenting here after that.
- The Chair will be on leave this summer; a long-term temporary appointee will take her place. Will need to elect a Vice-Chair, who'll be acting Chair over the summer.

6. PRC OFFICER'S REPORT

- a. -- No new complaints filed since the last meeting.
 - CPE is confirmed to present to the PRC at its May 9 meeting
 - At Council last night, the PRC's "Towards Fairness & Impartiality" report was on the agenda with a companion item from Councilmember Harrison for an action plan to implement Council's and PRC's recommendations. Passed after Councilmember Hahn moved to consent calendar with amendments. A significant recommendation is a task force appointed by the City Manager composed of representatives from BPD, BPA, PRC, interested community groups and academics, guided by a professional facilitator.
 - (following Item #7)*
 - George Lippman, who was just replaced as commissioner, was thanked for his dedicated service to the PRC.
 - Comm. Sherman introduced David Ritchie, former PRC Commissioner, who will be substituting for him during his leave through the end of July.
- b. Prioritizing new agenda items (discussion and action)
(No discussion.)

7. CHIEF OF POLICE'S REPORT

- Crime, budget, staffing, training updates, and other items.
- Setting up systematic way to have commissioners do ride-alongs.
 - Rico Rolleri promoted to Captain; will head up Professional Standards Div. Sgts. Dave Lindenau and Peter Hong promoted to Lieutenant; Ofcs Jen Coats and Jesse Grant promoted to Sergeant. Promotional ceremony likely May 10.
 - Crime: Russell Street shooting – several dozens of rounds shot; sexual assault of high-school-aged girl. Their sense that a very small number of people committing violence, so focusing on specific areas where crime occurring.

- Staffing still in crisis. About 157 officers now; 17 – 19 out on injury or light duty. 7 academy 2 FTO, 24 vacancies. Command staff working on emergency staffing for the summer; will require mandatory overtime.
- Looking forward to CPE conference next week. When receive report will forward in advance of May 9. Would be more delay if did not push for this date.
- Lolita Cueva, an important member of BPD professional staff, retiring next week.

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
(Subcommittee reports postponed.)

9. NEW BUSINESS (discussion & action)

(Heard following item #7)

Recommendation from Commission Reform Subcommittee regarding a proposed Charter amendment to reform the structure for civilian oversight of police in response to the City Council’s November 14, 2017 referral: for review, possible revision, and approval for submission to the Council.

Main motion: that the PRC accept the Subcommittee’s proposed Charter amendment to establish a Police Commission and recommend its transmittal to the City Council for discussion and action.

Moved/Seconded (Lippman/Allamby)

The following motions were made to amend the main motion:

Motion to insert, “their interactions with any” between “and” and “other” in Section 1, line 10, and in Section 2, line 22.

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

Ayes: Allamby, Calavita, Matthews, Perezvelez, Sherman, Yampolsky, Legg, and Lippman.

Noes: None Abstain: None Absent: Prichett, Roberts

Motion to amend Section 4(a)(3) to read: “Not be a current employee or officer with the City; a current sworn police officer from any agency; or a current employee, official or representative of an employee association representing sworn police officers.”

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

Ayes: Allamby, Calavita, Matthews, Perezvelez, Sherman, Yampolsky, Legg, and Lippman.

Noes: None Abstain: None Absent: Prichett, Roberts

Motion to amend the prior motion by adding, in Section 4(a)(3) approved above, “contractors” after “current employee or officer with the City”.

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

Ayes: Allamby, Calavita, Matthews, Perezvelez, Sherman, Yampolsky, Legg, and Lippman.

Noes: None

Abstain: None

Absent: Prichett, Roberts

Motion to revise Section 5(a) by deleting from the second sentence, “For the initial members of the Commission,” and inserting in its place, “Commission vacancies will be widely advertised and publicly posted.”; creating another sentence from the existing clause, “The Mayor and each Councilmember will nominate one candidate from the applicant pool at a meeting of the City Council” etc.; and delete Section 5(b).

Moved/Seconded (Calavita/Legg) **Motion Carried**

Ayes: Allamby, Calavita, Matthews, Perezvelez, Sherman, Yampolsky, Legg, and Lippman.

Noes: None

Abstain: None

Absent: Prichett, Roberts

Motion to further revise Section 5(a) by inserting “Each individual nominee” at the beginning of the last sentence of the section.

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

Ayes: Allamby, Calavita, Matthews, Perezvelez, Sherman, Yampolsky, Legg, and Lippman.

Noes: None

Abstain: None

Absent: Prichett, Roberts

Motion to amend Section 10 by increase the stipend for regular or special meetings to \$100, to \$20 per hour for each subcommittee meeting or BOI hearing, to an amount not to exceed \$1000 per month.

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

Ayes: Allamby, Matthews, Perezvelez, Sherman, Legg, and Lippman.

Noes: None

Abstain: Calavita, Yampolsky

Absent: Prichett, Roberts

Motion to reopen the prior motion to change the “not to exceed” amount back to \$500 per month.

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

Ayes: Allamby, Calavita, Matthews, Perezvelez, Sherman, Yampolsky, Legg, and Lippman.

Noes: None

Abstain: None

Absent: Prichett, Roberts

Motion to insert a new Section 12(e) as suggested by Commissioner Prichett, with minor revisions, to read as follows:

“On the petition of fifty or more residents in the City of Berkeley filed in the Office of the Commission, the Commission shall hold a special meeting in an appropriate and convenient location for the individuals so petitioning for the purpose of responding to the petition and hearing and inquiring into the matters identified therein as the concerns of the petitioners.

Copies of the petition shall be filed by the Commission with the City Clerk and the City Council. Notice of such meeting shall be given in the same manner as notice is given for other meetings of the Commission. In no case shall the Commission meet later than ten business days following the date that the petition is filed. “

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

Ayes: Allamby, Calavita, Matthews, Perezvelez, Sherman, Yampolsky, Legg, and Lippman.

Noes: None

Abstain: None

Absent: Prichett, Roberts

Motion to revise Section (13)(e) by replacing “will” with “may” in reference to the use of the Human Resources Department.

Moved/Seconded (Calavita/Yampolsky) **Motion Carried**

Ayes: Allamby, Calavita, Matthews, Perezvelez, Sherman, Yampolsky, Legg, and Lippman.

Noes: None

Abstain: None

Absent: Prichett, Roberts

10. OLD BUSINESS (discussion & action)

a. Outreach:

Consider whether to have a table publicizing the PRC at the Berkeley Juneteenth Festival on Sunday, June 17, 2017.

(Item postponed.)

b. Proposed “Guiding Principles” for PRC adoption and other ideas related to addressing BPD staffing shortage.

(Item postponed.)

c. Assess BPD’s After-Action reporting and response to Public Records Act Request.

(Item postponed.)

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

A Special Meeting to complete Item #9 was scheduled for Monday, May 7, starting at 6:00 p.m. and possibly lasting until 11:00 p.m.

12. PUBLIC COMMENT

There was 1 speaker.

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. STATUS REPORT ON COMPLAINT #2438

14. STATUS REPORT ON COMPLAINT #2439

End of Closed Session

15. ANNOUNCEMENT OF CLOSED SESSION ACTION

No reportable action was taken.

16. ADJOURNMENT

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