



X
Police Review Commission (PRC)

POLICE REVIEW COMMISSION
SPECIAL MEETING
MINUTES
(approved)

Monday, May 7, 2018
6:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY COMMISSIONER PEREZVELEZ AT 6:11 P.M.

Present: Commissioner Gwen Allamby
Commissioner Kitty Calavita
Commissioner George Perezvelez
Commissioner Andrea Prichett
Commissioner Ismail Ramsey
Commissioner Ari Yampolsky
Commissioner Victoria Legg (*temporary*)
Commissioner David Ritchie (*temporary*)

Absent: Commissioners Sahana Matthews (Chair), Terry Roberts, Michael Sherman

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

BPD Staff: Chief Andy Greenwood; Capt. Rico Rolleri

2. APPROVAL OF AGENDA

Due to the absence of Chair Matthews and lack of a Vice-Chair, the Commission agreed to agendize the selection of an acting Chairperson to preside over this meeting only.

a. Selection of acting chair

The Commissioners agreed upon Commissioner George Perezvelez as acting Chairperson.

b. Approval of agenda

Motion to approve the agenda with the addition of public comment before every four sections of the proposed Charter amendment.

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

Ayes: Allamby, Calavita, Perezvelez, Prichett, Ramsey, Yampolsky, Legg, and Ritchie.

Noes: None Abstain: None Absent: Matthews, Roberts, Sherman

3. PUBLIC COMMENT

There were 8 speakers at this time and at two points during the Commission's discuss of Item #6.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of April 25, 2018

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

Ayes: Allamby, Calavita, Perezvelez, Yampolsky, Legg, and Ritchie.

Noes: None Abstain: Prichett, Ramsey Absent: Matthews, Roberts, Sherman

5. CHAIR'S REPORT

No report.

6. OLD BUSINESS (discussion & action)

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: continued review, possible revision, and approval for submission to the Council.

Motion to revise Section 14 to read as follows:

The Commission and its Executive Director may use the services of the City Attorney's Office for legal advice: the Commission may also seek the representational services of outside counsel when it deems necessary.

Moved/Seconded (Calavita/Legg)

Friendly amendment: to delete the word "representational."

Moved by Yampolsky, Accepted by Calavita and Legg

Motion, as amended, carried

Ayes: Allamby, Calavita, Perezvelez, Prichett, Yampolsky, Legg, and Ritchie.

Noes: Ramsey Abstain: None Absent: Matthews, Roberts, Sherman

By general consent, the Commission deleted subsection (b) of Section 15.

Motion to approve Section 16 by inserting a new subsection (b) as proposed by George Lippman.

Moved/Seconded (Prichett/Allamby)

Friendly amendment: to reword the beginning of the first paragraph of the new subsection so that it reads, “The Executive Director shall conduct any audit or review of Department necessary to assess the Department’s performance and adherence to constitutional policing practices, and shall also conduct any audit or review of the Department’s policies and procedures, . . .”

Moved by Ritchie; Accepted by Prichett and Allamby

Motion, as amended, carried

Ayes: Allamby, Calavita, Perezvelez, Prichett, and Ritchie.

Noes: Ramsey, Yampolsky Abstain: Legg Absent: Matthews, Roberts, Sherman

Motion to approve Section 17 as written.

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

Ayes: Allamby, Calavita, Perezvelez, Prichett, Ramsey, Yampolsky, Legg, and Ritchie.

Noes: None Abstain: None Absent: Matthews, Roberts, Sherman

By general consent, the Commission reconsidered its prior approval of Section 17 by inserting, in subsection (a)(5), “and notification of discipline” following “investigations”.

Motion to approve Section 18 with the following revisions: In subsection (a), reword the second sentence to read, “The Commission shall decide which complaints staff will conduct parallel investigations of, after receiving recommendations from its staff.”; in subsection (b), last sentence, replace “it” with “s/he”; and reword subsection (c) to read, The Police Department shall inform Commission staff of its planned disposition before closing an investigation into a complaint.

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

Ayes: Allamby, Calavita, Perezvelez, Prichett, Ramsey, Yampolsky, Legg, and Ritchie.

Noes: None Abstain: None Absent: Matthews, Roberts, Sherman

Motion to approve Section 19 with the following changes: In subsection (b), remove “have the authority to”; in subsection (c) add, at the end of the last sentence, “within 15 business days of receiving the appeal”; and in subsection (e), revise the first sentence to read, “The City Manager and Chief of Police may impose disciplinary action up to a period consistent with Government Code section 3304.”

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

Ayes: Allamby, Calavita, Perezvelez, Prichett, Ramsey, Yampolsky, Legg, and Ritchie.

Noes: None Abstain: None Absent: Matthews, Roberts, Sherman

Motion to approve Section 20 with a revision to subsection (c) to include “at Commission proceedings” after “attendance”.

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

Ayes: Allamby, Calavita, Perezvelez, Prichett, Ramsey, Yampolsky, Legg, and Ritchie.

Noes: None Abstain: None Absent: Matthews, Roberts, Sherman

Motion to approve Section 21 with a revision to substitute “shall” for “must” in the second sentence.

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

Ayes: Allamby, Calavita, Perezvelez, Prichett, Ramsey, Yampolsky, Legg, and Ritchie.

Noes: None Abstain: None Absent: Matthews, Roberts, Sherman

Motion to revise Section 22(b) to read as follows: “The Commission and City Manager will evaluate the Chief annually. If either party recommends the termination of the chief, the Council will decide.”

Moved/Seconded (Prichett/Calavita)

Calavita withdrew her second. **Motion fails for lack of second.**

Motion to revise Section 22(b) to read as follows: “Upon the recommendation of the Commission, it may propose dismissal of the Chief to the City Manager.”

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

Ayes: Allamby, Calavita, Perezvelez, Prichett, Yampolsky, and Ritchie.

Noes: Ramsey, Legg Abstain: None Absent: Matthews, Roberts, Sherman

Motion to revise Section 22(a) by inserting “to five” between “two” and “candidates”.

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

Ayes: Allamby, Calavita, Perezvelez, Prichett, Ramsey, Yampolsky, Legg, and Ritchie.

Noes: None Abstain: None Absent: Matthews, Roberts, Sherman

Motion to revise Section 22(a) to read as follows: “When the City Manager is in her final rounds of interviewing, the finalists shall come before the commission for an interview, after which the Commission will write up its recommendation for the City Manager’s consideration in making a decision.

Moved/Seconded (Legg/Yampolsky)

Substitute motion: to revise Section 22(a) to read as follows: “Upon the notice of vacancy of the position of Chief of Police, the City Manager shall engage with the Police Commission on the job requirements and application process. The Police Commission shall play active role in evaluation of candidates and final selection of the Chief of Police.”

Ayes: Allamby, Calavita, Perezvelez, Prichett, Yampolsky, Legg, and Ritchie.
Noes: Ramsey Abstain: None Absent: Matthews, Roberts,
Sherman

By general consent, the Commission agreed to revise Section 22 by substituting “dismissal” for “removal” in the heading and substituting “dismissing” for “removing” in the first sentence of the Section.

Motion to approve all of Section 22, as revised above.

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

Ayes: Allamby, Calavita, Perezvelez, Prichett, Yampolsky, and Ritchie.

Noes: Ramsey, Legg Abstain: None Absent: Matthews, Roberts,
Sherman

Motion to approve Section 23 with revisions to subsection (a) to delete “a vote” with “to have input” at the end of the sentence, and to subsection (b) by inserting “members of” following “provide”.

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

Ayes: Allamby, Calavita, Perezvelez, Prichett, Yampolsky, Legg, and Ritchie.

Noes: None Abstain: Ramsey Absent: Matthews, Roberts,
Sherman

Motion to approve Section 24 as written.

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

Ayes: Allamby, Calavita, Perezvelez, Prichett, Ramsey, Yampolsky, Legg, and Ritchie.

Noes: None Abstain: None Absent: Matthews, Roberts, Sherman

Motion to approve Section 25 with the insertion of “written” before “reports in the heading.

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

Ayes: Allamby, Calavita, Perezvelez, Prichett, Ramsey, Yampolsky, Legg, and Ritchie.

Noes: None Abstain: None Absent: Matthews, Roberts, Sherman

Motion to revise Section 26 to read as follows: “The Commission Chair and the Executive Director are allowed to attend and advise the City Manager and City Council on contract negotiations.”

Moved/Seconded (Perezvelez/Prichett)

Substitute motion: to revise Section 26 to read as follows: “The City Manager shall inform the Police Commission of any prospective changes discussed in contract negotiations that may directly affect the work, duties, or responsibilities of the Commission; and provide the Commission reasonable time to evaluate and respond to those proposals.”

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

Ayes: Allamby, Perezvelez, Prichett, Yampolsky, Legg, and Ritchie.
Noes: Ramsey Abstain: Calavita Absent: Matthews, Roberts, Sherman

By general consent, the Commission approved Section 27 as written.

By general consent, the Commission approved Section 28 as written.

By general consent, the Commission agreed to insert a new Section 29, proposed by Commissioner Perezvelez, to read as follows: “The Commission shall conduct a review of its processes every two years after the passage of the initiative in order to ascertain the efficacy of its process.”

By general consent, the Commission approved original Section 29, Repeal of Ordinance No. 4,644-N.s., as Amended, as written.

By general consent, the Commission approved original Section 30, Severability, as written.

Motion to accept the recommendation of the Commission Reform Subcommittee for a proposed Charter amendment, as amended by the Commission, and to empower Chairperson and Vice-chairperson to meet with the PRC Officer to develop necessary points for Council report

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

Ayes: Allamby, Calavita, Perezvelez, Prichett, Yampolsky, Legg, and Ritchie.

Noes: None Abstain: Ramsey Absent: Matthews, Roberts, Sherman

7. PUBLIC COMMENT

There were 2 speakers.

8. ADJOURNMENT

By general consent, the meeting was adjourned at 11:19 p.m.