



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(Approved)

March 11, 2015
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR BERNSTEIN AT 7:06 P.M.

Present: Vice Chair George Perezvelez
Commissioner Benjamin Bartlett
Commissioner George Lippman (arrived 7:13 p.m.)
Commissioner Karen Kiyoo Lowhurst
Commissioner Ann Rogers
Commissioner Bulmaro Vicente (arrived 7:13 p.m.)
Commissioner Michael Sherman
Commissioner Lowell Finley (temporary assignment)

Absent: Commissioner Barbara Allen

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Capt. Michael Meehan, Capt. Andrew Greenwood, Sgt. Joseph Okies,
Sgt. Benjamin Cardoza.

2. APPROVAL OF AGENDA

Agenda approved by consensus.

3. PUBLIC COMMENT

No speakers.

4. APPROVAL OF MINUTES

Special and Regular Meetings of February 25, 2015.

The approval of these minutes will be re-agendized for the meeting of April 8, 2015, due to a procedural error that occurred at the March 11 meeting.

5. CHAIR'S REPORT

Commissioner Lowhurst announced her impending resignation; she was thanked for her fine service. Commissioners Bernstein, Finley and Rogers, and PRC Officer Lee and Investigator Norris attended the NACOLE regional forum last week.

6. CHIEF OF POLICE'S REPORT

Budget discussions are ongoing. There are currently about 168 sworn officers, out of 176 authorized. For the first time, there will be three recruitments this year. He has been meeting with the BUSD superintendent regarding safety in the schools. BPD has submitted a grant for body cameras.

7. PRC OFFICER'S REPORT

Status of pending complaints was announced. The circumstances of a rejected complaint were explained.

8. OLD BUSINESS (discussion and action)

a. Policy review regarding McKinley Avenue staging in December 2014.

Capt. Andy Greenwood gave an oral report on the BPD's use of the 2100 block of McKinley in early December 2014. (Written report was distributed.)

Capt. Greenwood will return in a couple meetings and report back on whether it makes more sense to adopt a new policy or amend parts of existing policies.

b. Policy investigation regarding the events of December 6, 7, and 8, 2014, and Council directive for an investigation into the events of December 6.

Commission discussed response to PRC's request for documents, audio and video related to protests.

Motion to ask the Council to provide funds to engage an external investigator or auditor to investigate the events in question.

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

Ayes: Lippman

Noes: Bernstein, Bartlett, Finley, Lowhurst, Perezvelez, Rogers, Sherman, and Vicente. Abstain: None Absent: Allen

Motion to direct PRC staff not to inspect documents or view video unless the issue of Commission's access to the materials is resolved; ask Chief or his representative to attend a special meeting to discuss these points; agendaize a special meeting to consider how to move forward.

Moved/Seconded (Finley/Rogers) **Motion Carried**

Ayes: Bernstein, Bartlett, Finley, Lippman, Lowhurst, Perezvelez, Rogers, Sherman, and Vicente.

Noes: None Abstain: None Absent: Allen

By consensus, the Commissioners agreed on March 18 at 7:00 p.m. or March 19 at 7:30 as possible dates for a special meeting.

- c. Continue review of mutual aid practices and policies: further discussion and action.

By consensus, this item was tabled to the next meeting.

- d. Use of police in-vehicle cameras and body-worn cameras by BPD: review General Orders of other agencies.

By consensus, this item was tabled to the first meeting in May.

- e. How to make the BOI process more responsive to complainants, and civilians generally, in light of City Attorney opinion re Possible Disclosure of BOI Findings Report to Complainants.

By consensus, this item was tabled to the next meeting.

- f. Discuss City Attorney opinion re Disclosure of BPD Internal Affairs' Records to the PRC.

By consensus, this item was tabled to the next meeting.

- g. Urge Council Members and the Mayor to hold annual commissioners' meetings with their appointees.

Motion to send a letter the Council strongly urging that they hold annual meetings with their Commissioners at their discretion.

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

Ayes: Bartlett, Finley, Lippman, Lowhurst, Perezvelez, Rogers, Sherman, and Vicente.

Noes: None

Abstain: Bernstein

Absent: Allen

9. NEW BUSINESS (discussion and action)

By consensus, all new business was tabled to the next regular meeting.

- a. Release of information from BPD to PRC.
- b. Standing Rules for PRC: review and comment on first draft.
- c. Marijuana enforcement report: review report for July – December 2014 and discuss additional information possibly needed.
- d. Status of implementation of amendments to Regulations for Handling Complaints Against Members of the Police Department.
- e. Berkeley Police Association report on community outreach.

10. SUBCOMMITTEE REPORTS & RECOMMENDATIONS (discussion and action)

- a. Regulations Subcommittee
No report.
- b. Suspicious Activity Reports Subcommittee
No report.

- c. Transgender General Order Subcommittee
Will schedule meeting date forthwith.

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

12. PUBLIC COMMENT

No speakers

Closed Session

13. REVIEW OF CALOCA DECISION

Complaint #2327.

End of Closed Session

14. ADJOURNMENT

The meeting was adjourned at 10:20 p.m.