



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(Approved)

May 28, 2014
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

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

Present: Vice Chair Alison Bernstein
Commissioner Barbara Allen
Commissioner John Cardoza
Commissioner George Perezvelez
Commissioner Ann Rogers
Commissioner Kiran Shenoy
Commissioner Oliver Zerrudo

Absent: Commissioners Lowhurst, Sherman

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Capt. Cynthia Harris, Lt. Randolph Files, Sgt. Katherine Smith, Ofc. David Bartalini

2. APPROVAL OF AGENDA

PRC Officer Lee said that item #6, Beat Analyses, has to be postponed because the Chief of Police has a scheduling conflict.

Motion to approve agenda as amended

Moved/Seconded (Allen/Zerrudo) **Motion Carried**

Ayes: Allen, Bernstein, Cardoza, Perezvelez, Rogers, Shenoy, and Zerrudo.

Noes: None

Abstain: None

Absent: Lowhurst, Sherman



3. PUBLIC COMMENT

There were two speakers.

4. APPROVAL OF MINUTES

PRC Officer Lee asked to correct Item #5.b. to reflect that Mr. Rogers' statement ended with the word "BPA," and the remainder of the sentence as written should be deleted.

Motion to approve minutes of May 14, 2014, as corrected.

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

Ayes: Allen, Bernstein, Perezvelez, Rogers, Shenoy, and Zerrudo.

Noes: None Abstain: Cardoza Absent: Lowhurst, Sherman

5. CHIEF OF POLICE'S REPORT

Capt. Harris said there are currently 165 sworn officers. The dispatch unit is significantly understaffed, with only 28 of 32 authorized positions are filled. Officers have begun fair and impartial policing training. Capt. Harris was asked to make the Department's budget available to the PRC, and the PRC will schedule a presentation if there are questions.

6. PRESENTATION BY CHIEF OF POLICE: BEAT ANALYSES

Postponed to a future date.

7. OLD BUSINESS (discussion and action)

a. Update on request for information from BPD regarding marijuana enforcement.

By consensus, the Commission asked the PRC Officer to write a letter to the Chief informing him the Commission regards this request for information to be a priority.

b. Response to City Council item regarding use of Tasers by BPD.

The PRC Officer reported that the City Manager is considering hiring an outside consultant to study the matter.

Motion to ask that the City Manager keep the PRC informed about the scope of such a study and the party that it plans to contract with.

Moved/Seconded (Perezvelez/Allen) **Motion carried**

Ayes: Allen, Bernstein, Cardoza, Perezvelez, Rogers, Shenoy, and Zerrudo.

Noes: None Abstain: None Absent: Lowhurst, Sherman

c. Review of 2013 Statistical Report.

Commissioners suggested several changes, which were agreed to by consensus.

The PRC Officer pointed out one major change is that the Ordinance and Regulations are not attached.

Motion to include the Regulations in the version of the Report that is posted online, and in the copies that are distributed to the public libraries.

Moved/Seconded (Shenoy/Allen) **Motion Carried**

Ayes: Allen, Bernstein, Cardoza, Perezvelez, Rogers, Shenoy, and Zerrudo.

Noes: None Abstain: None Absent: Lowhurst, Sherman

- d. Status of obtaining unredacted reports from the BPD.
The PRC Officer reported that following an arrangement worked out with the BPD in 2010, a misunderstanding ensued, but that it is now clear that staff may view unredacted police reports and take notes at the BPD. She further reported that also discussed in 2010 was establishing a procedure whereby Commissioners could view unredacted reports; that never occurred and the PRC Officer suggests now is not the time to revisit setting up such a procedure.

8. NEW BUSINESS (discussion and action)

The City Manager's May 28, 2014 letter to the PRC, regarding Items 8.a. and 8.b. of this agenda, was distributed.

- a. Review confidentiality agreement signed by all Commissioners and the Regulation sections governing confidentiality.
By consensus, the Commission agreed in principle that the confidentiality agreement should be improved by adding a preamble and reference to the relevant sections of the Police Officers' Bill of Rights Act; specifics of a revised agreement to be worked on and brought to the Commission for approval at a later date.
- b. Status of police officer participation in PRC investigations and proceedings.
By consensus, the Commission authorized the Chair and Vice-Chair to meet with representatives from the BPA and the City Manager's Office for the purpose stated in the May 28, 2014 letter.
- c. Discussion of possible PRC responses to alleged jaywalking incident near UC campus involving a group of African-American youth and BPD.
1) Commission responses to alleged incident in absence of PRC complaint filing by any involved civilians.
2) Commission's response to community concerns.
From: Commissioner Lowhurst
After discussion, the Commission agreed by consensus to re-agendize this for the next regular meeting.
- d. Consider doing outreach by making presentations to youth groups and communities of color.
Motion that Commissioner Bernstein return to the Commission with a proposed plan, including possible dates, location and participants for an Outreach Day.
Moved/Seconded (Rogers/Perezvelez) **Motion Carried**
Ayes: Allen, Bernstein, Cardoza, Perezvelez, Rogers, Shenoy, and Zerrudo.
Noes: None Abstain: None Absent: Lowhurst, Sherman
- e. Consider dissolution of Drone Subcommittee.
Motion to dissolve the Drone Subcommittee.
Moved/Seconded (Perezvelez/Shenoy) **Motion Carried**
Ayes: Allen, Bernstein, Cardoza, Perezvelez, Rogers, Shenoy, and Zerrudo.
Noes: None Abstain: None Absent: Lowhurst, Sherman

9. SUBCOMMITTEE REPORTS & RECOMMENDATIONS (discussion and action)

- a. Accreditation Subcommittee
Commissioner Perezvelez reported that no meetings have been scheduled as other matters have taken priority.
- b. Drone Subcommittee
None needed.
- c. Regulations Subcommittee
Commissioner Bernstein reported that work continues; much if it focused on tightening up the timing of investigations and hearings so they occur in time for the City Manager to recommend discipline with 120 days of filing. The next meeting date is June 10 at 6:00 p.m.
- d. Fair and Impartial Policing Subcommittee
See PRC Officer's report.
- e. Wearable Video Cameras Subcommittee
Next meeting had been scheduled for June 11, but it conflicts with the Mutual Aid Pacts Subcommittee, so another meeting date will be set.
- f. Mutual Aid Pacts Subcommittee
Next meeting scheduled for June 11, 2014.

10. PRC OFFICER'S REPORT

The PRC Officer distributed a printout of the status of open complaints. The June 3 Council item regarding General Order B-4, Fair & Impartial Policing incorporates the PRC Chair's April 16, 2014 letter to the City Manager urging its adoption. The proclamation commending the BPD's Special Response Team for the Urban Shield competition efforts will be presented at the June 3 Council meeting. The mental health program staff's notes of their May 14 presentation are included in today's agenda packet.

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

12. PUBLIC COMMENT

There was one speaker.

Closed Session

13. VOTE ON STAFF RECOMMENDATION FOR ADMINISTRATIVE CLOSURE.

Complaint #2346.

Motion to administratively close Complaint #2346.

Moved/Seconded (Allen/Cardoza) **Motion Carried**

Ayes: Allen, Bernstein, Cardoza, Perezvelez, Rogers, and Zerrudo.

Noes: None Abstain: None Absent: Lowhurst, Shenoy, Sherman

14. VOTE ON STAFF RECOMMENDATION FOR ADMINISTRATIVE CLOSURE.

Complaint #2347.

Motion to administratively close Complaint #2347.

Moved/Seconded (Allen/Zerrudo) **Motion Carried**

Ayes: Allen, Bernstein, Cardoza, Perezvelez, Rogers, and Zerrudo.

Noes: None Abstain: None Absent: Lowhurst, Shenoy, Sherman

End of Closed Session

15. ANNOUNCEMENT OF VOTE RESULTS FROM CLOSED SESSION

16. ADJOURNMENT

Motion to adjourn this meeting.

Moved/Seconded (Perezvelez/Rogers) **Motion carried.**

Ayes: Allen, Bernstein, Cardoza, Perezvelez, Rogers, and Zerrudo.

Noes: None Abstain: None Absent: Lowhurst, Shenoy, Sherman

The meeting was **adjourned** at 9:37 p.m.