



Police Review Commission (PRC)

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

**July 8, 2015  
7:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL & ROLL CALL BY CHAIR BERNSTEIN AT  
7:07 P.M.**

Present: Commissioner Benjamin Bartlett  
Commissioner Alison Bernstein (Chair)  
Commissioner George Lippman  
Commissioner George Perezvelez (Vice Chair)  
Commissioner Terry Roberts  
Commissioner Lowell Finley (temporary appointment\*)  
Commissioner Bulmaro Vicente

Absent: Commissioners Michael Sherman and Ann Rogers

PRC Staff: Katherine J. Lee, PRC Officer and Beneba Thomas, PRC Investigator

BPD Staff: Capt. Dave Frankel, Lt. Dan Montgomery, Sgt. Katherine Smith, Ofc. Dave Bartalini

**2. APPROVAL OF AGENDA**

**Motion to approve the agenda with the change that the Chair's Report and PRC Officer's Report occur to after item 8.b.**

Motion **Carried** by general consent.

**3. PUBLIC COMMENT**

There were four speakers.

**4. APPROVAL OF MINUTES**

**Motion to approve minutes of June 17, 2015 Special meeting.**

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

Ayes: Bartlett, Bernstein, Lippman, Perezvelez, and Vicente.

Noes: None

Abstain: Finley, Roberts

Absent: Rogers, Sherman

**Motion to approve minutes of June 24, 2015 Regular meeting with the insertion of the italicized language in the paragraph at the bottom of page 4: By general consent, after discussion on two motions made, amended, and withdrawn, the Commission agreed to *table this item until the next meeting* and that members would submit language on Recommendation #8 to the PRC Officer by next week for discussion at the July 8 meeting.**

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

Ayes: Bartlett, Bernstein, Lippman, Perezvelez, Roberts, and Vicente.

Noes: None

Abstain: Finley, Perezvelez

Absent: Rogers, Sherman

*At Commissioner Vicente's request, a moment of silence was observed for U.C. student Bryson Young, who recently passed away.*

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

No report.

## **6. CHAIR'S REPORT**

No report.

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

*(Occurred after Item 9.b.)* A case deadline report was distributed; one BOI is scheduled and another needs to be scheduled for July 28. PRC Officer will be agendaizing an item about meeting procedures. The agenda packet contains the Commissioners' Attendance Report for the first half of 2015; please advise if any errors.

## **8. OLD BUSINESS (discussion and action)**

a. Policy investigation regarding the events of December 6, 7, and 8, 2014, and Council directive for an investigation into the events of December 6, as both are more fully identified in the regular meeting agenda of February 25, 2015; and including review of mutual aid practices and policies.

i) Review and discuss event narratives. *(Considered after 8.a.ii.)*

**By general consent, Commissioners are tasked with submitting specific factual findings regarding the events of December 6, 2014, for consideration at the next meeting.**

ii) Continue review and approval of, or changes to, BPD recommendations in its report of the December 6 & 7, 2014 events.

**Motion to adopt the first four paragraphs of Commissioner Lippman's proposal as a replacement of BPD's Recommendation #8 except, in the first paragraph, delete the second two sentences, and in the second paragraph, replace "tend to" with "may."**

Moved/Seconded (Bernstein/Perezvelez) **Motion, as amended, carried**

Ayes: Bartlett, Bernstein, Lippman, Perezvelez, Roberts, and Vicente.

Noes: None

Abstain: None

Absent: Rogers, Sherman

**Motion to amend the main motion by including the first three paragraphs of Section III.C.7 of the Oakland Police Department's Crowd Control and Crowd Management Policy, as the 5<sup>th</sup> paragraph; the OPD language to be modified by changing references from "OPD" to "BPD" and revising the phrase, "as permitted under this policy," to read, "as allowed under BPD policy."**

Moved/Seconded (Finley\*/Lippman) **Motion Carried**

Ayes: Bartlett, Bernstein, Lippman, Perezvelez, Roberts, and Vicente.

Noes: None

Abstain: None

Absent: Rogers, Sherman

iii) Review proposed changes to general orders.

No action taken.

b. Participation in National Night Out (August 4, 2015)

**By general consent, this item was tabled until the next meeting.**

#### **9. NEW BUSINESS (discussion and action)**

a. Determine appropriate follow-up to Commission's prior action on revisions to General Order N-17.

**Motion to send the PRC recommendation's on General Order N-17 to City Council as an agenda item.**

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

Ayes: Bartlett, Bernstein, Lippman, Perezvelez, Roberts, and Vicente.

Noes: None

Abstain: None

Absent: Rogers, Sherman

b. Whether to initiate a policy review of the matter raised by Tesfaye Tsadik.

**Motion to initiate a policy investigation into how the Police Department goes about identifying the race of detainees or arrestees.**

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

Ayes: Bartlett, Bernstein, Lippman, Perezvelez, Roberts, and Vicente.

Noes: None

Abstain: None

Absent: Rogers, Sherman

c. Whether to initiate a policy review based on the policy complaint filed by Carol Denney. (*Occurred following Item 8.a.*)

**Motion to accept policy complaint #2377 and initiate a policy review into the matters raised in the complaint.**

Moved/Seconded (Finley\*/Bartlett) **Motion Carried**

Ayes: Bartlett, Bernstein, Lippman, Roberts, and Vicente.

Noes: None

Abstain: Perezvelez

Absent: Rogers, Sherman

#### **10. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

## 11. PUBLIC COMMENT

There were two speakers.

### *Closed Session*

## 12. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE

Complaint #2368.

**Motion to approve above-referenced file for administrative closure.**

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

Ayes: Bartlett, Bernstein, Lippman, Perezvelez, and Vicente.

Noes: None                      Abstain: None                      Absent: Rogers, Sherman

### *End of Closed Session*

## 13. ANNOUNCEMENT OF CLOSED SESSION VOTE

The vote to administratively close Complaint #2368 was announced.

## 14. ADJOURNMENT

**The meeting was adjourned by general consent.**

Meeting was adjourned at 10:05 p.m.

*\* The day after the meeting, it was discovered that Mr. Finley was ineligible to sit on the Commission. His participation did not affect whether a quorum was seated or affect any vote outcomes. However, the Commission must reconsider the actions resulting from the two motions he made.*