



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
SPECIAL MEETING
MINUTES
(approved)

July 15, 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: Commissioner Alison Bernstein (Chair)
Commissioner George Lippman
Commissioner George Perezvelez (Vice Chair) (arrived 7:16 p.m.)
Commissioner Terry Roberts
Commissioner Ann Rogers
Commissioner Bulmaro Vicente

Absent: Commissioners Benjamin Bartlett, Michael Sherman

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

BPD Staff: Capt. Dave Frankel, Officer Ryan Andersen (left 8:30 p.m.)

2. APPROVAL OF AGENDA

Motion to approve the agenda.

The agenda was approved by general consent.

3. PUBLIC COMMENT

There was one speaker.

4. CHIEF OF POLICE'S REPORT

Capt. Frankel reported that staffing is up to 173 sworn (includes 7 presently in academy). A promotional ceremony will be held at Freight & Salvage on July 22nd at 3 p.m. for recently promoted Capt. Frankel, Lt. Montgomery, Sgt. Turner, and a CSO Supervisor to be named later. The hiring process is underway for the Administrative Services & Fiscal Manager. Officer Kassebaum retired today after 21

years of service. Commissioner Vicente asked for data re ethnicity of officers; Capt. Frankel will email to the PRC Officer for forwarding to the Commissioner.

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

Motion to adopt PRC's Recommendation #8.

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

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

Noes: None Abstain: Rogers Absent: Bartlett, Sherman

By general consent, the Commission agreed that they would, on their own, review the remainder of the BPD recommendations, indicating for each their agreement, or not, or alternate language; and submit to the PRC Officer as soon as possible.

ii) Review and discuss critical factual findings.

By general consent, the Commission asked PRC staff to merge the Commissioners' factual findings into a single document for review at the next meeting.

By general consent, the Commission asked the PRC Officer to ask the BPD to supply the unredacted versions of After Action Reports that it has received from other law enforcement agencies that responded into Berkeley; if they cannot be released, state the reason; an release the reports in closed session if that is the only way the PRC can see them.

iii) Review proposed changes to general orders.

No action taken.

b. Whether to initiate a policy review based on the policy complaint filed by Carol Denney, and what steps should be taken.

Motion to undertake a policy review regarding the need to improve training in the BPD re BMC Chapter 12.70, the smoking ordinance.

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

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

Noes: None Abstain: None Absent: Bartlett, Sherman

Motion to send a letter to Chief expressing concern regarding the extent to which officers are up to speed on existing smoking policies; ask that he consider accepting the training offered by Public Health Department to

educate officers; ask that the training bulletin be updated. Also, Commissioners would like to hear how the members of the department receive information about changes to City policies; and request that he or his designee attend a meeting to answer the Commission's questions.
Moved/Seconded (Rogers/Perezvelez)

Substitute motion to add to the above, that the PRC Officer first verify with the Public Health Department that they have someone ready to conduct training.

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

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

Noes: None Abstain: None Absent: Bartlett, Sherman

Main Motion (Rogers/Perezvelez) Carried

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

Noes: None Abstain: None Absent: Bartlett, Sherman

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

By general consent, the Commission agreed to participate; PRC Officer to get list of locations for the next meeting, if possible.

6. NEW BUSINESS (DISCUSSION AND ACTION)

- a. Review certain rules of procedure (including making and amending motions; dividing the question) and Commission practice, and decide whether they should be revised.

Motion to amend the standing rules to add a new Subsection E.3., stating that the Commission accepts the use of friendly amendments; in other words, a motion can be amended if the maker and seconder of the original motion accept it, and the amendment need not be separately voted on.

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

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

Noes: None Abstain: None Absent: Bartlett, Sherman

7. CHAIR'S REPORT

(Occurred following Item 8.) The Chair expressed a concern regarding outreach, and will put a discussion of this on the September agenda. We should discuss whether there is a general order about the seizure of homeless people's personal property (raised by the first public speaker tonight) on the October agenda.

8. PRC OFFICER'S REPORT

A complaint that staff was trying to schedule for BOI will not be going forward due to complainant not staying in contact. We should put the McKinley Avenue policy complaint over till September due to availability of Capt. Greenwood and one of the complainants.

9. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

10. PUBLIC COMMENT

(Occurred following Item 6.a.) There was one speaker.

11. ADJOURNMENT

Motion to adjourn the meeting carried by general consent.

Meeting was **adjourned** at 10:01 p.m.