



Police Review Commission (PRC)

**POLICE REVIEW COMMISSION**  
**REGULAR MEETING**  
**MINUTES**

**Wednesday, September 25, 2013**  
7:00 P.M.

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY CHAIRPERSON SHENOY AT 7:05 P.M.**

Present: Chairperson Kiran Shenoy  
Vice Chair Ann Rogers  
Commissioner John Cardoza  
Commissioner Stefan Elgstrand (new appointee)  
Commissioner Nathan Glasper (temporarily appointed for this meeting)  
Commissioner Seth Morris  
Commissioner George Perezvelez  
Commissioner Michael Sherman

Absent: Commissioner Allen, Commissioner Bernstein.

PRC Staff: Lucinda Simpson, PRC Officer

BPD Staff: Capt. Harris, Lt. Files, Lt. Reece, Sgt. Stines, Sgt. Smith.

**2. APPROVAL OF AGENDA**

The agenda was approved.

**3. PUBLIC COMMENT**

There were six public comments.

**4. APPROVAL OF MINUTES**

**Motion to approve minutes of September 11, 2013 as amended** to add “and which were included in the Sept. 11, 2013 agenda packet” to the first sentence of the second paragraph under section 6.d.1. of the minutes.

Moved/Seconded (Sherman / Morris) **Motion Carried**

Ayes: Cardoza, Elgstrand, Glasper, Morris, Perezvelez, Rogers, Shenoy, and Sherman.

Noes: none

Abstain: none

Absent: Allen, and Bernstein



## 5. CHIEF OF POLICE'S REPORT

- a. Budget, staffing, training and crime updates.  
The department is staffed at 167 sworn.
- b. Presentation on new Berkeley Police Department draft policy B-4 Fair and Impartial Policing.  
Sgt. Stines from the Professional Standards Division provided a presentation on the new draft policy. California Penal Code section 13519.4 was referenced and incorporated. The Police Department continues to consult with Dr. Lorie Fridell on the development and implementation of the policy. Dr. Fridell is a nationally recognized expert on the subject of biased policing. Four officers will be attending a train the trainers event which will be taught by Dr. Fridell in mid October.

## 6. SUBCOMMITTEE REPORTS & RECOMMENDATIONS

- a. Accreditation Subcommittee  
The next meeting will be October 23, 2013 at 6 p.m.
- b. Outreach Subcommittee  
The next meeting date is to be determined.
- c. Mutual Aid Pact Subcommittee
  1. Subcommittee's report to the full commission with recommendations on Berkeley Police Department's (BPD's) 2013 Mutual Aid Pact Agreements.

The Chair of the subcommittee explained that at the last meeting when the Commission accepted the recommendation on four renewed agreements, one agreement was inadvertently referred to as 1-4 in the motion, and should have been referred to as 1-5. The Chair informed the Commission that the four agreements should therefore be re-accepted.

Chair Shenoy noted that apart from the four enumerated agreements 1-5, 4-1, 4-3 and 4-4 which were simply renewed since the last annual review process, no changes had been made to the remainder of the compendium of Mutual Aid agreements approved by City Council the previous year on September 18, 2012.

On behalf of the subcommittee, Chair Shenoy provided a final recommendation to the full Commission to approve the entire compendium of Mutual Aid Agreements, including re-acceptance of the four renewed agreements: 1-5 Alameda County District Attorney's Office, Victim Witness Assistance Division, Elder Abuse Advocacy and Outreach Program, 4-1 Child Abuse Listening, Interviewing and Coordination (CALICO), 4-3 A Safe Place, and 4-4 National Insurance Crime Bureau.

2. Possible dissolution of subcommittee.  
**Motion to dissolve the Mutual Aid Pact subcommittee.**  
Moved / Seconded (Perezvelez / Glasper) **Motion Carried**  
Ayes: Cardoza, Elgstrand, Glasper, Morris, Perezvelez, Rogers, Shenoy and Sherman.  
Noes: none                      Abstain: none                      Absent: Allen and Bernstein
3. Schedule next meeting date if necessary.  
none

- d. Drones Subcommittee (for review of proposed resolution from City Council on drones).
  - 1. Report back to full commission on subcommittee recommendation regarding the 12/18/12 City Council referral on the proposed resolution regarding drones.

On behalf of the subcommittee, Chair Morris recommended that the full commission adopt both parts of the written document provided which was comprised of a joint statement of background and purpose and a draft ordinance. The Chair stated that the main thrust of the model ordinance was to prevent the use of drones against the people of Berkeley.

- 2. Review and possible changes to Drones subcommittee appointments or dissolution of subcommittee.  
The subcommittee remains formed.
  - 3. Schedule next meeting date if necessary.  
To be announced if necessary.
- e. PRC Regulations Subcommittee  
The next meeting date is to be determined.

**7. OLD BUSINESS** (discussion and action)

- a. Mutual Aid Pact Review Process for 2013 - Discussion and Action by the Commission on review of BPD's Mutual Aid Pact Agreements.

**Motion to approve the entire compendium of Mutual Aid Agreements, including the four renewed agreements: 1-5 Alameda County District Attorney's Office, Victim Witness Assistance Division, Elder Abuse Advocacy and Outreach Program, 4-1 Child Abuse Listening, Interviewing and Coordination(CALICO), 4-3 A Safe Place, and 4-4 National Insurance Crime Bureau.**

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

Ayes: Cardoza, Elgstrand, Glasper, Perezvelez, Rogers, Shenoy, and Sherman.

Noes: none                      Abstain: Morris                      Absent: Allen and Bernstein

**Motion to send a letter to City Council to inform them of PRC's approval.**

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

Ayes: Cardoza, Elgstrand, Glasper, Morris, Perezvelez, Rogers, Shenoy, and Sherman.

Noes: none                      Abstain: none                      Absent: Allen and Bernstein

- b. Consideration of Berkeley Police Department's proposed draft policy on Fair and Impartial Policing (B-4).

The Commission agreed by consensus to send the draft policy to the Accreditation subcommittee for further review and consideration.

- c. Consideration of appointment of Commissioner Cardoza, including review of any potential conflict of interest policies.  
From: Commissioner Morris

This item was discussed.

- d. Discussion and possible action regarding the 12/18/12 City Council referral to the PRC regarding the proposed resolution on drones.

**Motion to accept the written recommendation from the Drones subcommittee and to allow Commissioner Morris to incorporate any further typographical changes to the document.**

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

Ayes: Cardoza, Elgstrand, Glasper, Morris, Perezvelez, Rogers, Shenoy, and Sherman.

Noes: none

Abstain: none

Absent: Allen and Bernstein

By consensus, the Commission agreed that a letter should be sent to City Council to inform them of the PRC's recommendations.

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

Status of complaints.

There are four open cases. Two of the cases are currently under investigation and two recently completed Boards of Inquiry. Two additional cases are in mediation.

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

## **10. PUBLIC COMMENT**

There were five public comments.

## **11. ADJOURNMENT**

**Motion to adjourn this meeting.**

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

Ayes: Cardoza, Elgstrand, Glasper, Morris, Perezvelez, Rogers, Shenoy, and Sherman.

Noes: none

Abstain: none

Absent: Allen and Bernstein

A 5 minute recess was taken between 8:59 and 9:04 p.m.

Meeting was adjourned at 10:05 p.m.