



Police Review Commission (PRC)

Note: After these minutes were approved at the PRC's October 21, 2015 meeting, an error was discovered. The PRC approved these corrected minutes at its November 18, 2015 meeting.

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

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

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY CHAIR BERNSTEIN AT 7:05 P.M.**

Present: Commissioner Alison Bernstein (Chair)  
Commissioner Jerry Javier  
Commissioner George Lippman  
Commissioner George Perezvelez (Vice Chair)  
Commissioner Terry Roberts  
Commissioner Ann Rogers  
Commissioner Michael Sherman

Absent: Commissioners Benjamin Bartlett, Ari Yampolsky

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Capt. Dave Frankel, Lt. Dan Montgomery (both left 8:35 p.m.), Ofc. David Bartalini

**2. APPROVAL OF AGENDA**

**The agenda was approved by general consent.**

**3. PUBLIC COMMENT**

There were three speakers.

**4. APPROVAL OF MINUTES**

**The Regular meeting minutes of September 9, 2015 were approved by general consent.**

**The Special meeting minutes of September 16, 2015 were approved by general consent.**

## 5. CHIEF OF POLICE'S REPORT

Capt. Frankel reported the arrest of the man who hit another man on the head with a hammer in front of Radio Shack on December 6, 2014. Also, on the City's Open Data portal, the BPD has posted stop data on high-risk car stops, pedestrian stops and bicycle stops from Jan. 6 – Aug. 26, 2015. [PRC Officer's note: access the information at <https://data.cityofberkeley.info/>]

## 6. 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 that the PRC adopt the following in response to BPD's Recommendations #29 and #30: This is a complicated issue that requires input from all stakeholders. It is the PRC's position that no policy should be implemented until the matter has been referred back to the PRC to establish a subcommittee to allow for a full discussion and formulation of a policy.**

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

Ayes: Bernstein, Javier, Lippman, Perezvelez, Roberts, Rogers, and Sherman.

Noes: None

Abstain: None

Absent: Bartlett, Yampolsky

**Motion that the PRC adopt the following recommendation regarding the use of mutual aid: The conduct of mutual aid responders in their crowd control roles during the events of December 6 was a primary concern that the PRC heard from the public. The PRC believes that state law and existing mutual aid pacts require each agency to follow its own policies regarding the use of force. We therefore believe that the BPD cannot enforce its use-of-force policies on mutual aid responders. We believe it is critical for BPD to communicate to mutual aid responders the values of the COB, including de-escalation tactics, before and during a crowd event. BPD should continue to review its briefing and communication practices to make every effort that use of force by mutual aid responders is consistent with our policies.**

Moved/Seconded (Perezvelez/Roberts)

**Friendly amendment to add, at the end: We request that the BPD make specific recommendations on strategies and procedures to achieve these goals.**

(Moved by Roberts; Accepted by Perezvelez)

**Motion, as amended, Carried**

Ayes: Bernstein, Javier, Perezvelez, Roberts, Rogers, and Sherman.

Noes: Lippman

Abstain: None

Absent: Bartlett, Yampolsky

- ii) Review and approve findings.

**By general consent, the Commission approved the following changes to the Findings section:**

**-- Added the two footnotes suggested by staff.**

**-- Deleted certain language in paragraph 20, p. 6.**

**By general consent, the Commission approved the Findings section with the above changes.**

- iii) Discuss remainder of report, including discussion section, and its structure.

**By general consent, consideration of the Introduction and Discussion sections was postponed to the next meeting.**

## **7. SUBCOMMITTEE REPORTS & RECOMMENDATIONS (discussion and action)**

### **a. Mutual Aid Pacts Subcommittee**

- i) Report to full commission with recommendations on Berkeley Police Department's 2015 Mutual Aid Pact Agreements.

**Motion to recommend to the City Council that it approve the four new or amended Mutual Aid Pacts with these entities: Alameda County District Attorney's Office Violence Against Women/Domestic Violence Project; Alameda County District Attorney's Office; A Safe Place; and University of California, Berkeley, Police Department.**

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

Ayes: Bernstein, Javier, Lippman, Perezvelez, Roberts, Rogers, and Sherman.

Noes: None                      Abstain: None                      Absent: Bartlett, Yampolsky

**Motion that the Commission adopt the Subcommittee's recommendation that the City Council not approve the Mutual Aid Pact with the Northern California Regional Intelligence Center (NCRIC) until the Council and the PRC have had an opportunity to review the Suspicious Activity Reports.**

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

Ayes: Bernstein, Javier, Lippman, Perezvelez, Roberts, Rogers, and Sherman.

Noes: None                      Abstain: None                      Absent: Bartlett, Yampolsky

**By general consent, the Commission agreed to postpone until the next meeting its vote on the Subcommittee's recommendation to urge the City Council to end BPD's participation in the Urban Shield activity (funded under the agreement with UASI (Urban Area Security Initiative)); in the meantime, individual Commissioners are to conduct their own research into the benefits and drawbacks of the Urban Shield exercise, and PRC Officer to inquire with Capt. Harris as what impact**

**on the BPD, if any, ceasing to send BPD officers to Urban Shield would have.**

ii) Discussion regarding obtaining SARS reports.  
Not discussed.

iii) Consider dissolution of subcommittee or schedule next meeting date.

**By general consent, the Mutual Aid Pacts Subcommittee was dissolved.**

**8. NEW BUSINESS (discussion and action)**

a. Commissioner's questions regarding BPD's Mid-Year Crime Report.

**By general consent, the Commissioners agreed to ask the BPD questions about the mid-year crime report at the November PRC meeting; PRC Officer to forward Commissioners' questions to BPD before then.**

b. Proposal to co-host with the Personnel Board and the BPD a community-wide anti-bias training.

**Motion to co-host this training and ask that, as part of the training, Dr. Fridell address the recently released data reflecting disparities in traffic and pedestrian stops by BPD.**

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

Ayes: Bernstein, Javier, Perezvelez, Roberts, Rogers, and Sherman.

Noes: None                      Abstain: Lippman                      Absent: Bartlett, Yampolsky

c. Whether to initiate a policy review based on the policy complaint filed by Stephen Pitcher, and what steps should be taken.

**By general consent, this item was postponed to the next meeting.**

**9. CHAIR'S REPORT**

None.

**10. PRC OFFICER'S REPORT**

None.

**11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

Attached.

**12. PUBLIC COMMENT**

There were 2 speakers.

**13. ADJOURNMENT**

**Motion to adjourn the meeting carried by general consent.**

**Meeting was adjourned at 10:20 p.m.**