



Police Review Commission (PRC)

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

**November 18, 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 Jerry Javier  
Commissioner George Lippman  
Commissioner Terry Roberts  
Commissioner Michael Sherman

Absent: Commissioners Perezvelez (Vice Chair), Rogers, Yampolsky

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Meehan, Capt. Greenwood, Capt. Frankel (left 8:10 p.m.); Lt. Montgomery, Sgt. Cardoza, Sgt. Ross

**2. APPROVAL OF AGENDA**

**By general consent, the Commission agreed to move Item 8.a. to be heard after Item 6 and, with that change, approved the agenda.**

**3. PUBLIC COMMENT**

(Any item not on the agenda.) There were no speakers.

**4. APPROVAL AND CORRECTION OF MINUTES**

a. For approval:

**By general consent, the Commission approved the Regular Meeting minutes of October 14, 2015**

**By general consent, the Commission took these actions on the Special Meeting minutes of October 21, 2015: agreed, regarding Item 6.a., that references to the Mutual Aid Subcommittee should be to the Mutual Aid Pacts Subcommittee; asked the PRC Officer to review the recording of**

**the meeting to clarify signing on to the dissent on the media credentialing recommendation of the Dec. 6 Investigative Report (Minority Report), and postponed approval of these minutes to the next meeting.**

- b. For correction of previously approved minutes:

**Correction of the wording of the Mutual Aid recommendation in the Special Meeting minutes of October 8, 2015, was approved by general consent.**

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

(See next item.)

**6. MID-YEAR 2015 CRIME REPORT**

Chief Meehan, Capt. Greenwood, and Capt. Frankel presented a modified version of their Mid-Year Crime Report to the City Council, as requested by the Commission. Command staff also answered questions that Commissioners had raised at their October 8, 2015 meeting.

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

Public comment on old business: There were 5 speakers.

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

**Motion to open policy complaint regarding the ticketing of bicyclists who ride through stop signs on bicycle boulevards; issues to be included in the policy review could be expanded during discussion of Item 7.c., Workplan.**

Moved/Seconded (Lippman/Bernstein) **Motion Carried.**

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

Noes: None Abstain: None

Absent: Perezvelez, Rogers, Yampolsky

- b. Mutual Aid Pacts:

i) Clarification of PRC recommendation to the Council regarding approval of Department of Homeland Security/Urban Area Security Initiative (UASI) program.

**Motion that the PRC supports the BPD's agreement with UASI, with the following condition: We recommend to the City Council that, in light of the militarization concerns in this community, Council direct the BPD to refrain from participating in Urban Shield for one year, and that the BPD and PRC take that year to review the Urban Shield program and take effective measures to prevent hyper-militarization of the BPD.**

Moved (Lippman). **Motion failed for lack of second.**

**Motion regarding the recommendation that the Commission adopted on October 21, as reflected on page 2, Item 6.a. of the meeting minutes: it is the understanding of the Commission that when this was voted on, it contemplated the inclusion of the continuation of the mutual aid pact with the DHS for the UASI program as part of the motion.**

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

Ayes: Bernstein, Roberts, and Sherman.

Noes: Javier, Lippman Abstain: None

Absent: Perezvelez, Rogers, Yampolsky

ii) Update regarding receipt of Suspicious Activity Reports (SARs) summaries; clarification and review of prior recommendation regarding the agreement with the Northern California Regional Intelligence Center (NCRIC).

**Main motion:**

**The PRC recommends to the City Council that, in light of the history of racial, ethnic, religious, and political abuses in the Suspicious Activity Reporting program, Council direct the BPD to refrain from participating in SAR reporting or other NCRIC-related activities for one year, and that the BPD and PRC take that year to review the intelligence fusion program and determine its merits and drawbacks.**

Moved/Seconded (Lippman/Sherman)

**Proposed substitute motion:**

**Given that the SAR summaries do not contain reports that are problematic; that there are only two of them; that neither of them seems to involve profiling or infringement on 1<sup>st</sup> Amendment activity, the Commission recommends approving the mutual aid pact with NCRIC.**

Moved/Seconded (Bernstein/Roberts)

**Friendly amendment to modify the substitute motion to read:**

**Given that there are only two SAR summaries for the preceding 12 months, and that they do not contain reports involve profiling, racial, ethnic, religious, or political abuses, or infringement on 1<sup>st</sup> Amendment activity, the Commission recommends approving the mutual aid pact with NCRIC.**

Moved/Accepted (Sherman/Bernstein & Roberts)

**Motion to consider the amended substitute motion, instead of the main motion - Motion Carried.**

Ayes: Bernstein, Javier, Roberts, and Sherman.

Noes: Lippman Abstain: None.

Absent: Perezvelez, Rogers, Yampolsky

**Motion to adopt the amended substitute motion.**

Moved/Seconded (Bernstein/Roberts) **Motion Carried.**

Ayes: Bernstein, Javier, Roberts, and Sherman.

Noes: Lippman Abstain: None

Absent: Perezvelez, Rogers, Yampolsky

- c. Create a Workplan by prioritizing policy reviews and other postponed matters, and decide how to proceed, which may include forming subcommittees.

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

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

- a. Questions regarding BPD's lack of consultation with the PRC on the new Protest Guide.

*(This item was taken up following Item 6.)*

Capt. Frankel answered questions and addressed concerns about the posting of the guide on the BPD website before consulting the PRC. PRC Officer to print the Protest Guide and include in the next agenda packet.

Public comment on New Business: There was one speaker

- b. Consider dissolution of subcommittees:
  - i) Regulations
  - ii) Suspicious Activity Reporting (or consider renewal)
  - iii) Investigation Steering

**By general consent, all three subcommittees were dissolved.**

- c. Review commendations of BPD staff from August through December 2014, and identify those worthy of particular recognition.

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

- d. Establish 2016 Regular Meeting schedule.

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

- e. Whether to have a Commissioners' holiday gathering; if so, date and place.

**The Commissioners agreed to a December 16 evening gathering at a private home. This will not be a public meeting, so matters within the PRC's jurisdiction may not be discussed.**

## **9. CHAIR'S REPORT**

None.

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

The PRC Officer reported on the status of individual complaints filed, including one filed today. The December 6, 2014 Investigative Report is on the City Council's December 1, 2015 agenda; the Chair, Vice-Chair, and PRC Officer will be presenting the report, and others are free to attend; that meeting will be at Longfellow School. The Council passed new ordinance allowing Councilmembers to establish a pool of alternate commissioners for designated commissions (PRC being one of them), so that appointees need to file their paperwork just once

during their term as an alternate. PRC Officer will be on an interview panel for the new Director of the Independent Office of Law Enforcement Review & Outreach position in Sonoma County. PRC Officer will see which of the adopted and agreed-upon Regulation changes can be implemented right away, pending outcome of meet-and-confer with BPA on the remaining Regulation changes.

**11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

The Chair pointed out that a pepper-spray incident report is attached to the packet. The PRC Officer distributed a copy of the BPD's MOU with the Center for Policing Equity, and two communications from the public.

**12. PUBLIC COMMENT**

There were no speakers.

***Closed Session***

**13. VOTE ON PETITION FOR REHEARING**

Complaint #2361.

**Motion to deny the petition for rehearing in Complaint #2361.**

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

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

Noes: None Abstain: None

Absent: Perezvelez, Rogers, Yampolsky

***End of Closed Session***

**14. ANNOUNCEMENT OF VOTE RESULTS FROM CLOSED SESSION**

The above vote was announced.

**15. ADJOURNMENT**

**The meeting was adjourned by general consent at 10:17 p.m.**