



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(Approved)

December 10, 2014
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

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

Present: Vice Chair Alison Bernstein
Commissioner John Cardoza
Commissioner George Perezvelez
Commissioner Ann Rogers

Absent: Commissioners Barbara Allen, Karen Kiyo Lowhurst, Oliver Zerrudo

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: None

2. CHAIR'S ANNOUNCEMENT and APPROVAL OF AGENDA

Chairperson Sherman announced that no members of the Berkeley Police Department would be present to either participate in or provide security for the meeting. Due to the large numbers of persons present for public comment, and possible emergency items to be added to the agenda, the Chairperson proposed re-ordering of the agenda to consider priority items, and tabling certain items to the end of the agenda or the next regular meeting. **The Commission agreed by consensus.** (Additional re-ordering and tabling of items was done during the meeting.)

Motion to add as an urgency item to the agenda: Concerns regarding the BPD and mutual aid response to the ongoing protest marches.

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

Ayes: Bernstein, Cardoza, Perezvelez, Rogers, and Sherman.

Noes: none Abstain: none Absent: Allen, Lowhurst, Zerrudo

3. PUBLIC COMMENT

There were ten speakers.

Closed Session

4. CONSIDERATION OF PETITION FOR REHEARING

Complaint #2357. Complainant was present to present case for rehearing.
Motion to deny the petition for rehearing, with a request to the City Attorney to change the policy to allow the BOI statement of findings to be released to the complainant in this and all future BOI cases.

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

Ayes: Bernstein, Cardoza, Perezvelez, Rogers, and Sherman.

Noes: None Abstain: None Absent: Allen, Lowhurst, Zerrudo

End of Closed Session

5. APPROVAL OF MINUTES

Motion to approve minutes of the Regular Meeting of November 12, 2014

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

Ayes: Bernstein, Cardoza, Rogers, and Sherman.

Noes: none Abstain: Perezvelez Absent: Allen, Lowhurst, Zerrudo

6. URGENCY ITEM (Part 1)

Motion: In accordance with the mission statement of General Order C-64, request that the City Council temporarily ban the Berkeley Police Department's use of tear gas for crowd control until the Police Review Commission conducts a full investigation into the improper use of tear gas on December 6, 2014, and to empower the PRC to produce documents and witnesses for the purposes of this investigation.

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

Ayes: Bernstein, Cardoza, Perezvelez, Rogers, and Sherman.

Noes: None Abstain: None Absent: Allen, Lowhurst, Zerrudo

7. NEW BUSINESS (discussion and action)

a. Report or recommendation from Wearable Video Camera Subcommittee to City Council regarding use of wearable video cameras.

Motion to adopt the draft Subcommittee report and send it to the City Council.

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

Ayes: Bernstein, Cardoza, Perezvelez, Rogers, and Sherman.

Noes: None Abstain: None Absent: Allen, Lowhurst, Zerrudo

b. Approve the 2015 Regular Meeting schedule

Motion to approve the proposed 2015 Regular Meeting schedule.

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

Ayes: Bernstein, Cardoza, Perezvelez, Rogers, and Sherman.

Noes: None Abstain: None Absent: Allen, Lowhurst, Zerrudo

8. URGENCY ITEM (Part 2)

Motion to urge the City Council to prohibit the Berkeley Police Department's use of projectiles and over-the-shoulder baton strikes for crowd control purposes until such time that a complete review of General Order C-64 (Crowd Management and Control) is conducted.

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

Ayes: Bernstein, Cardoza, Perezvelez, Rogers, and Sherman.

Noes: None Abstain: None Absent: Allen, Lowhurst, Zerrudo

Motion to ask the PRC Officer to do all in her power, and as expeditiously as possible, to communicate to the City Council that the PRC would like it to consider the two emergency items it passed tonight, at the Council's December 16, 2014 meeting.

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

Ayes: Bernstein, Cardoza, Perezvelez, Rogers, and Sherman.

Noes: None Abstain: None Absent: Allen, Lowhurst, Zerrudo

9. PUBLIC COMMENT

There was 1 speaker.

10. ANNOUNCEMENT OF VOTE RESULTS FROM CLOSED SESSION

The vote, described in item #4 above, was publicly announced.

The following items were carried over to the next regular meeting:

OLD BUSINESS

- a. Creation of a subcommittee to produce a General Order regarding the treatment of transgendered persons.
- b. Amend PRC Regulations to exempt certain types of cases from mediation.
- c. Commendations of Berkeley Police Department employees from January through May 2014: recognition of particular exemplary action.

NEW BUSINESS

- a. Whether BPD's Internal Affairs findings can be disclosed to Commissioners.
From: Commissioner Bernstein
- b. Exploring the lifting of restrictions on the BOI process, including asking the City Attorney whether BOI findings and reasoning can be shared with complainants.

CHAIR'S REPORT

SUBCOMMITTEE REPORTS & RECOMMENDATIONS (discussion and action)

- a. Wearable Video Cameras Subcommittee
Consider dissolution of subcommittee.
- b. Regulations Subcommittee
Update.
- c. Fair and Impartial Policing Subcommittee
Consider dissolution or renewal of subcommittee.
- d. Budget Review Subcommittee
Schedule meeting date.
- e. N-17 Subcommittee
Schedule meeting date; consider name change.

PRC OFFICER'S REPORT

ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

CLOSED SESSION ITEM: VOTE ON WHETHER TO ACCEPT LATE-FILED COMPLAINT (Complaint #2358)

11. ADJOURNMENT

Motion to adjourn the meeting.

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

Ayes: Bernstein, Cardoza, Rogers, and Sherman.

Noes: none Abstain: Perezvelez Absent: Allen, Lowhurst, Zerrudo

The meeting was **adjourned** at 10:00 p.m.