



Police Review Commission (PRC)

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

**July 22, 2015  
7:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY CHAIR BERNSTEIN AT 7:10 PM**

Present: Commissioner Benjamin Bartlett  
Commissioner Alison Bernstein  
Commissioner George Lippman  
Commissioner George Perezvelez (Vice Chair)  
Commissioner Terry Roberts  
Commissioner Ann Rogers  
Commissioner Bulmaro Vicente

Absent: Commissioner Michael Sherman

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

BPD Staff: Sgt. Benjamin Cardoza, Sgt. Dave Lindenau, Officer Ryan Andersen,  
Officer Darrin Rafferty

*A moment of silence was observed for: Sgt. Scott Lunger of the Hayward Police Dept., killed in the line of duty this morning; Sandra Bland, found dead in a Texas jail cell; and the five service members killed in Chattanooga, TN.*

**2. APPROVAL OF AGENDA**

**Motion to approve the agenda carried by general consent.**

**3. PUBLIC COMMENT**

There was one speaker.

**4. APPROVAL OF MINUTES**

**Motion to approve the regular meeting minutes of July 8, 2015.  
Motion carried by general consent.**

## 5. CHIEF OF POLICE'S REPORT

None.

(In response to the Chair's inquiry, the PRC Officer distributed a copy of Capt. Frankel's explanation about Tasers being mentioned as a possible consequence in one of Lt. Schofield's dispersal orders captured on video.)

## 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 to replace BPD's Recommendations #6 and #7 with the following: The PRC agrees that a lack of mission clarity hampered the BPD's success on December 6, but where the BPD sees lack of clarity as a tactical confusion about the priority of specific tasks, we find a strategic lack of clarity. Deployments during demonstrations should include clear and specific objectives. Field Commanders should be given specific guidelines and priorities to consider when making deployment decisions, including whether a given police action will improve the situation, or escalate tension and confrontation between police and protesters, and should make redeployment decisions proactively based on known situational awareness and the approved guidelines.**

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

Ayes: Bartlett, Bernstein, Perezvelez, Roberts, and Rogers.

Noes: None

Abstain: Lippman, Vicente

Absent: Sherman

**Motion to replace BPD's Recommendations #9 and #10 with the following: BPD should review its operational deployment of its resources, such as bicycle, and parking enforcement officers, in crowd management roles in order to provide greater mobility, flexibility and accessibility. The review should focus on areas of opportunity focusing on the peaceful maintenance of events, crowd/department communication and violent element identifications. Training and resource proposals should be developed by BPD to achieve this end and should be reviewed with the PRC.**

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

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

Noes: Lippman

Abstain: None

Absent: Sherman

**Motion to replace BPD's Recommendation #16 with the following: Consistent with existing policy, dispersal orders should only be given if there is clear evidence that the focus of the crowd has become violent. If and when it is determined that a dispersal order is necessary, several**

**quality dispersal orders should be given. BPD should record the orders to establish that the orders were audible to the crowd. We specifically recommend that BPD discontinue the practice of continuous dispersal orders.**

Moved/Seconded (Perezvelez/Rogers)

**Substitute motion to add to the main motion: after an initial dispersal order been given, if a crowd reassembles in a different location, that new location must be reevaluated to determine if it is an unlawful assembly, and a new dispersal order must be given.**

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

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

Noes: None                      Abstain: None                      Absent: Sherman

**Motion to add to the main motion that the BPD should take appropriate steps to ensure that a dispersal order is audible throughout the entire crowd.**

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

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

Noes: None                      Abstain: None                      Absent: Sherman

**Motion to adopt BPD's Recommendation #11 as written.**

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

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

Noes: None                      Abstain: Lippman                      Absent: Sherman

**Motion to adopt BPD's Recommendation #13 as written.**

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

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

Noes: None                      Abstain: Lippman                      Absent: Sherman

**Motion to adopt BPD's Recommendation #20 as written.**

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

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

Noes: Bartlett, Vicente                      Abstain: None                      Absent: Sherman

**Motion to adopt BPD's Recommendation #24 as written, but with the addition of "within 72 hours" at the end, so that the Recommendation reads: To comply with our existing policies an After Action Report (AAR) should be written after each incident even if only in summary form, within 72 hours."**

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

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

Noes: None                      Abstain: None                      Absent: Sherman

*(Following the initial vote on this motion, the Commission voted to reconsider it; the above reflects the vote on reconsideration.)*

ii) Review and discuss event narratives

The PRC staff's compilation of the Commissioners' factual findings was discussed and some corrections made. **By general consent, each Commissioner is to inform staff what parts of the compilation, if any, they are unable to agree to.**

iii) Review proposed changes to general orders.

No action taken

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

The PRC Officer announced that the BPD coordinator for this event said there was no list yet of participating groups yet, but that the event kick-off would occur at 5:30 p.m. at the PSB.

c. Whether to amend PRC Standing Rules regarding procedures for dividing the question.

**Motion to adopt the Council's rule regarding dividing the question.**

Moved/Seconded (Lippman/Vicente) **Motion Failed**

Ayes: Lippman, Vicente.

Noes: Bartlett, Bernstein, Perezvelez, Roberts, and Rogers.

Abstain: None                  Absent: Sherman

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

a. What action should be taken regarding Mutual Aid Agreements for 2015.

The Mutual Aid Subcommittee will schedule a meeting.

**8. CHAIR'S REPORT**

None

**9. PRC OFFICER'S REPORT**

The BOI hearing convened on July 20 was not concluded because one of the subject officers left during the hearing due to a family emergency. A BOI hearing is being scheduled for August 7. PRC staff attended a BPD promotional ceremony this afternoon.

**10. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

**11. PUBLIC COMMENT**

There was one speaker.

***Closed Session***

**12. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE**

Complaint #2372.

Motion to approve above-referenced file for administrative closure.

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

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

Noes: None

Abstain: None

Absent: Sherman

***End of Closed Session***

**13. ANNOUNCEMENT OF CLOSED SESSION VOTE**

The vote to administratively close Complaint #2372 was announced.

**14. ADJOURNMENT**

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

Meeting was **adjourned** at 9:55 p.m.