

# CITY OF BERKELEY



## POLICE REVIEW COMMISSION

2014 ANNUAL REPORT

# CITY OF BERKELEY

## POLICE REVIEW COMMISSION

### Commissioners - 2014

Michael Sherman, **Chair**  
Alison Bernstein, **Vice-Chair**

Barbara Allen  
Karen Kiyo Lowhurst  
George Perezvelez  
Ann Rogers  
Oliver Zerrudo

Kiran Shenoy (through 6-11-14)  
John Cardoza (through 12-11-14)

**Mayor**  
Tom Bates

### Councilmembers

Linda Maio (District 1)  
Darryl Moore (District 2)  
Maxwell Anderson (District 3)  
Jesse Arreguin (District 4)  
Laurie Capitelli (District 5)  
Susan Wengraf (District 6)  
Kriss Worthington (District 7)  
Gordon Wozniak (District 8)

**City Manager**  
Christine Daniel

**Deputy City Manager**  
William Rogers

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To the City and Community of Berkeley:

On behalf of the Berkeley Police Review Commission, I present the Commission's 2014 Annual Report. This report includes statistical data concerning misconduct complaints filed during the year, an outline of the complaint process, and Commission achievements and work undertaken.

2014 was both a very busy and a very interesting year. It began in early 2014 with a Board of Inquiry into the in-custody death of a Berkeley resident and ended with the Commission, at the urging of community members, responding to three nights of tumultuous demonstrations in our streets over the ongoing deaths of young black males at the hands of police departments across the country.

Between these two defining events, the Commission dealt with many other issues important to and affecting our community:

- Proposed that the Council adopt General Order B-4 on Fair and Impartial Policing (it did). This occurred after the Berkeley Police Department asked the Commission and community-based organizations for input and advice to help the Department avoid biased policing;

- Received updates on the work of the Department's Crisis Intervention Team and on the state of other mental health services in Berkeley, including the Mobile Crisis Unit;

- Proposed changes in our regulations to make our complaint investigations more fair and efficient;

- Received, at our request, an in-depth examination and presentation from the Department on the number and nature of marijuana arrests;

- Took a long, hard look at the Department's Mutual Aid agreements, with a particular focus on the pact with the Northern California Regional Intelligence Center;

- Studied the pros and cons of police body cameras and sent its resulting report to the City Council;

- In mid-December, responding to community concerns about the BPD's response to several nights of protests, recommended to the City Council the temporary ban on the BPD's use of tear gas for crowd control pending a PRC investigation into its use, and to prohibit BPD's use of projectiles and over-the shoulder baton strikes for crowd control purposes pending a review of the Crowd Control General Order.

In 2014, the Commission welcomed a new Police Review Commission Officer, Katherine J. Lee. I would like to thank her and the other staff, Investigator Byron Norris and administrative assistant Maritza Martinez for all their hard work, which is so integral to the work of the PRC and of the Commission's ability to function as a body.

I thank the citizens of Berkeley and numerous community-based organizations – most notably the Northern California Chapter of the ACLU, the NAACP, and the Coalition for a Safe Berkeley – for their vital participation in and contributions to our process.

In closing, I also thank the Berkeley Police Department for their input and interaction with our Commission, and also for the tireless efforts of the men and women of the BPD to keep our community safe. The PRC wishes best health and safety to all the BPD's members as they perform their daily duties.

Respectfully,



Michael Sherman  
Police Review Commission  
Chair 2014



Police Review Commission (PRC)

June 29, 2015

Christine Daniel  
City Manager  
2180 Milvia Street  
Berkeley, CA 94704

Dear Ms. Daniel,

I am pleased to present to you the 2014 Annual Report for the Police Review Commission. The purpose of this report, provided in accordance with the PRC's enabling ordinance (Ord. No. 4644-N.S.), is to furnish statistical data regarding the number of complaints received, their general characteristics, and manner of conclusion.

For cases that have proceeded to Board of Inquiry Hearings, the data also includes the number of hearings, the various categories of allegations heard, and whether the allegations against an officer were sustained, not sustained, unfounded, or exonerated. This report also contains data on the ethnicity, gender and ages of complainants, as well as comparisons to statistics from the previous four years.

Finally, the report reviews the important policy issues that the Police Review Commission tackled in 2014, ranging from fair and impartial policing to the use of body-worn cameras.

Respectfully submitted,

A handwritten signature in blue ink that reads "Katherine J. Lee". The signature is written in a cursive, flowing style.

Katherine J. Lee  
Police Review Commission Officer

# 2014 PRC ANNUAL REPORT

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# I. EXECUTIVE SUMMARY 2014

## Meetings

The Commission conducted a total of 53 regular meetings, special meetings, subcommittee meetings, and Board of Inquiry hearings in 2014. This compares to the 64 such proceedings held in 2013, and 49 in 2012.

## Complaints

The Commission received 16 individual complaints and 2 policy complaints in 2014. Individual complaint allegations ranged from discourtesy to improper use of force. In 2013, the Commission received 22 complaints (one of them a policy complaint).

## Complainants

The demographic distribution of complainants in 2014 was: 11 males and 5 females; 10 African-Americans, 2 Caucasians, 1 Hispanic and 3 multi-ethnic or decline to specify. Complainants ranged from 25 to 66 years of age with more than half of the complainants (10) in the 50- to 59-year-old age range.

## Board of Inquiry Hearings

The Commission completed 8 Board of Inquiry (BOI) hearings – proceedings in which a panel of commissioners considers allegations against police officers. Of the 47 allegations heard, two were sustained, one for improper police procedures and one for discourtesy.

## Caloca Appeals

Subject officers may seek review of a BOI “sustained” finding through a *Caloca* appeal. Both of the sustained findings in 2014 were appealed; one was heard in 2014 and reversed.

## Policy Review

Among the issues the Commission tackled in 2014 were a proposed new general order on Fair and Impartial Policing, and the usefulness of body-worn cameras. It began looking into the Police Department’s response to the December protests over officer-involved shootings around the county.

## Internal Procedures

The PRC proposed some 45 revisions to its regulations for handling complaints alleging police misconduct. They also explored ways to make the BOI process more transparent for complainants.

## Confidentiality Breach

The Commission faced an unprecedented challenge when BOI findings in an in-custody death case were leaked to the media. Commissioners responded by reaffirming their commitment to the confidentiality of the process; signing sworn declarations that they did not leak confidential information; and amending the PRC’s regulations on handling misconduct complaints to enhance the confidentiality provisions.

## Berkeley Police Department (BPD)

At the end of 2014, BPD had 163 sworn police officers and received 74,609 calls for service. (This figure includes phone calls to BPD requesting service, calls resulting from an officer personally observing a situation requiring service, and direct contacts to BPD by a person requesting help).



## II. INTRODUCTION

Berkeley's Police Review Commission (PRC) was established by voter initiative in 1973. The PRC is one of the oldest civilian oversight agencies in the nation and has been an important model and source of information for oversight bodies across the United States.

## III. MISSION STATEMENT

The mission of the Police Review Commission is to provide for community participation in setting and reviewing police department policies, practices, and procedures, and to provide a means for prompt, impartial, and fair investigation of complaints brought by individuals against the Berkeley Police Department.

## IV. COMMISSIONERS

Nine Berkeley residents are appointed by the Mayor and members of the City Council to serve on the PRC. These volunteer Commissioners represent diverse backgrounds and viewpoints and therefore provide invaluable community perspectives. The Commission generally meets twice a month and individual commissioners also attend subcommittee meetings and Board of Inquiry Hearings throughout the year. The Commissioners devote considerable time and effort toward fulfilling their duties.



**Top Row** -- Chair Michael Sherman, Vice-Chair Alison Bernstein, Barbara Allen

**Middle Row** -- John Cardoza, Karen Kiyo Lowhurst, George Perezvelez

**Bottom Row** -- Ann Rogers, Kiran Shenoy, Oliver Zerrudo.

## V. STAFF

The PRC Office is a division of the City Manager's Office with a staff of three:

- **The PRC Officer** administers the daily operations of the PRC office, supervises staff, oversees complaint investigations, and serves as Secretary to the Commission. As Secretary, the PRC Officer staffs commission meetings and provides managerial support in the execution of PRC policies and procedures.
- **The PRC Investigator** conducts in-depth investigations of civilian complaints against members of the Berkeley Police Department, assists with special projects, and periodically serves as Acting Commission Secretary.
- **The Office Specialist III** manages the front office, provides administrative support to the PRC Officer and Investigator, prepares and maintains PRC records, and compiles statistics.



**Byron Norris**, PRC Investigator (joined staff in October 2009);  
**Katherine Lee**, PRC Officer (joined staff in January 2014);  
**Maritza Martinez**, Office Specialist III (joined staff in March 2001).





# VI. COMPLAINTS

## PROCESS

### 1. INDIVIDUAL COMPLAINTS

A complaint consists of one or more claims of alleged misconduct against one or more individual BPD officers. Timely-filed<sup>1</sup> complaints are investigated and prepared for hearing or, if the complainant and subject officer agree, referred for mediation. In some instances, cases are referred to the Commission to vote on administrative closure. Cases may be submitted for closure for reasons that include: the complaint does not allege misconduct on its face or is frivolous; the investigative deadlines are not met; the complainant fails to cooperate; the complainant requests closure. In cases where an investigation is completed (which includes interviewing witnesses and collecting other evidence) the PRC investigator prepares a report. A Board of Inquiry Hearing (BOI) is then scheduled, which consists of three Commissioners impaneled to hear testimony and render findings. The findings from the BOI are forwarded to the City Manager and the Chief of Police, who may consider them for disciplinary purposes. Subject officers can appeal sustained allegations, which are heard by the Office of Administrative Hearings (OAH). (See page 16.)

The standard of proof – the amount of evidence required at a BOI to sustain an allegation – is “clear and convincing evidence.” This standard is higher than a preponderance of the evidence but lower than beyond a reasonable doubt. The four categories of findings are:

1. **Sustained:** the alleged act did occur, and was not justified;
2. **Not Sustained:** the evidence fails to support the allegation, however it has not been proven false;
3. **Unfounded:** the alleged act did not occur; and
4. **Exonerated:** the alleged act did occur but was lawful, justified and proper.

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<sup>1</sup> Complaints must be filed within 90 calendar days of the alleged misconduct, unless a complainant is incapacitated or otherwise prevented from filing a complaint. A complaint filed between 91 and 180 calendar days of the alleged misconduct can be accepted as a late-file if at least 6 Commissioners find, by clear and convincing evidence, good cause for the complainant’s failure to timely file.



## **2. MEDIATION**

After an individual files a complaint, he or she may opt for mediation. This will go forward only if the Officer who is the subject of the complaint agrees. Mediations are conducted by SEEDS (Services that Encourage Effective Dialogue and Solutions), a nonprofit community-based organization that specializes in mediation services. A mediation through SEEDS gives both the complainant and the subject officer the opportunity to speak and respond to each other in a respectful environment. At the conclusion of mediation, SEEDS notifies the PRC staff and the complaint is forwarded to the Commission for closure. Once a mediation is completed, the complaint is permanently removed from the investigative process.

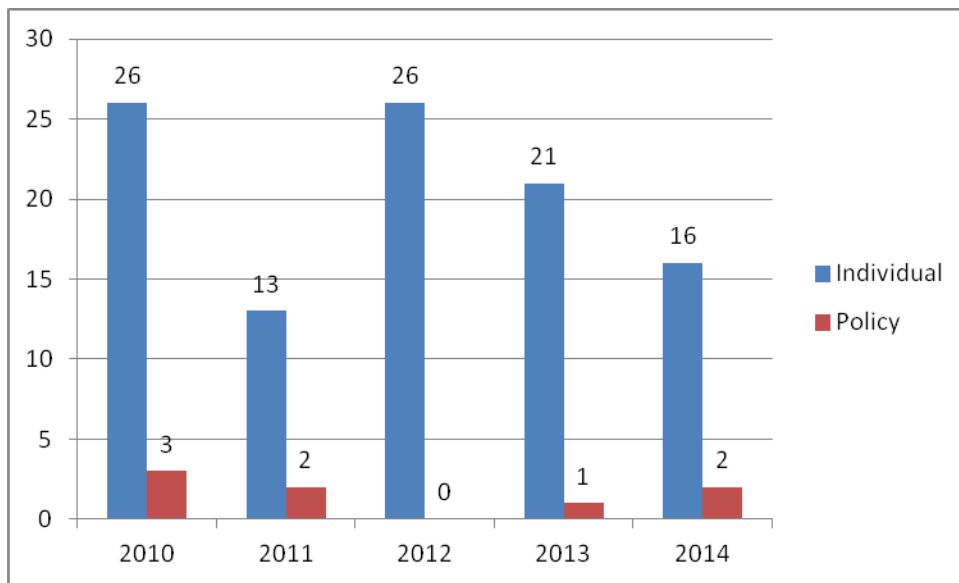
## **3. POLICY COMPLAINTS**

A policy complaint is a request to the Commission to review a particular BPD policy because the complainant believes that the policy could be improved or should be revised. Complaints or concerns about BPD policies, practices or procedures are presented by staff to the full commission at a regular meeting. The Commission may conduct its own review; form a subcommittee to review the policy, practice or procedure; or ask staff to conduct an investigation or take other action, and present a report at a future meeting. After conducting its own review, or receiving a report from a subcommittee or staff, the PRC may close the complaint without further action or recommend changes in policy, practice or procedures to the BPD and the City Manager.



# VII. STATISTICS 2010 - 2014

## 1. COMPLAINTS RECEIVED

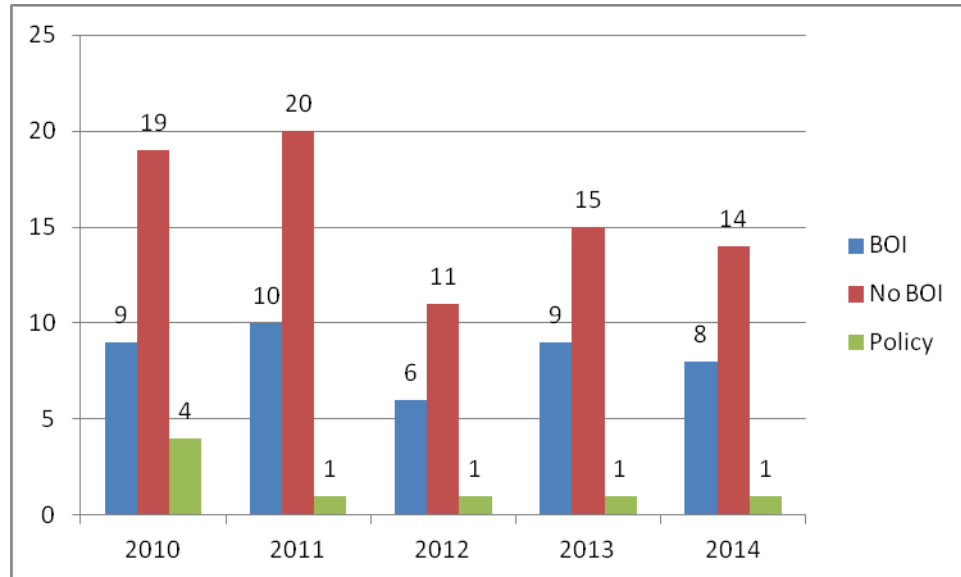


<b>COMPLAINTS RECEIVED</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
Individual	26	13	26	21	16
Policy	3	2	0	1	2
<b>Total</b>	<b>29</b>	<b>15</b>	<b>26</b>	<b>22</b>	<b>18</b>

In 2014, the PRC received 16 individual complaints and two policy complaints. Because complaint trends are highly fluid and cyclical, fluctuations in the number of complaints received from year to year cannot be predicted or readily attributed to specific factors or causes. This unpredictability is borne out by the number of complaints filed in 2015 so far, which is at a pace exceeding that of 2014. The two policy complaints received in 2014, however, are fairly consistent with the small number of policy complaints filed in the previous four years.



## 2. COMPLAINT CASES CLOSED



<b>COMPLAINTS CLOSED</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>
<b>Board of Inquiry Hearing Completed</b>	<b>9</b>	<b>10</b>	<b>6</b>	<b>9</b>	<b>8</b>
<b>Closed without BOI</b>	<b>19</b>	<b>20</b>	<b>11</b>	<b>15</b>	<b>14</b>
Admin Closure (includes withdrawn)	17	19	7	8	11
Mediation	0	0	2	3	0
Dismissal	1	0	2	0	1
Reject*	1	1	0	4	2
<b>Policy</b>	<b>4</b> (1 reject)	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b> (reject)
<b>Total Cases Closed</b>	<b>32</b>	<b>31</b>	<b>18</b>	<b>25</b>	<b>23</b>

The number of cases closed annually following a Board of Inquiry Hearing has been relatively stable. Variances between the numbers of other closures for 2010 through 2014 appear unremarkable.

\* For 2013 and 2014, Rejected complaints are those that do not meet the minimum requirements of a valid complaint, for instance, the person filing was not the aggrieved party, or the complaint was filed more than 180 days after the incident date. Previously, some rejected complaints were not included in the number of complaints reported, so the 2013 and 2014 figures may not be comparable to the Rejected complaints reported for 2010 through 2012.



### 3. DECISIONS FOR ALLEGATIONS HEARD AT A BOARD OF INQUIRY

In 2014, a Board of Inquiry Hearing was commenced in nine cases and completed through to deliberations in all but one.<sup>2</sup> In the eight completed BOIs, 47 allegations were heard. Whether separate types of allegations are lodged against one officer in the same case, or one type of allegation is made against multiple officers, each allegation against each officer is counted individually. For example: if one type of allegation is made against three officers, the statistics will reflect three separate allegations for that case.

In 2014, of the 47 allegations heard, two were sustained (in separate complaints), 15 were not sustained, eight were exonerated, and 21 were unfounded. The table below shows how the decisions made on allegations in 2014 compare to those of the four preceding years.

Finding Categories	2010	2011	2012	2013	2014
Sustained	5	7	2	4	2
Not Sustained	11	9	17	9	15
Exonerated	6	5	8	11	8
Unfounded	15	10	7	3	21
No Majority Vote	0	0	1	0	1
<b>Total</b>	<b>37*</b>	<b>31</b>	<b>35</b>	<b>27</b>	<b>47</b>

\* In 2010 allegations were counted by category and did not further distinguish the number of allegations against individual officers within a category.

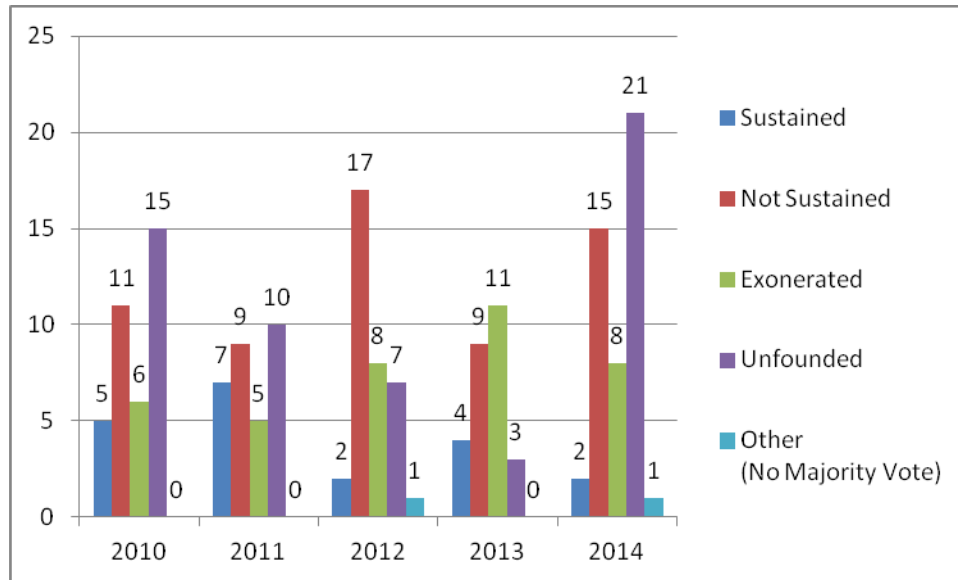
For an allegation against an officer to be sustained, not sustained, exonerated, or unfounded, a majority (at least two of the three commissioners on the Board of Inquiry) must agree on the same finding. “No Majority Vote” in 2012 occurred when each of the three commissioners voted differently; that is, one voted sustained, one voted not sustained and one voted exonerated. In 2014, “No Majority Vote” occurred in a death case, in which the whole Commission sat as the BOI, and the five votes needed to sustain were not obtained. When there is no majority finding in a case, the matter is essentially dropped.

<sup>2</sup> In that case, the complainant appeared but refused to answer questions, so the Board, finding that it could not conduct a full and impartial hearing, voted to dismiss the three allegations.



### DECISIONS FOR ALLEGATIONS HEARD AT A BOARD OF INQUIRY (By number of allegations)

This bar chart shows the same information as on the previous page, but in a format that allows for easier comparison within and between years.



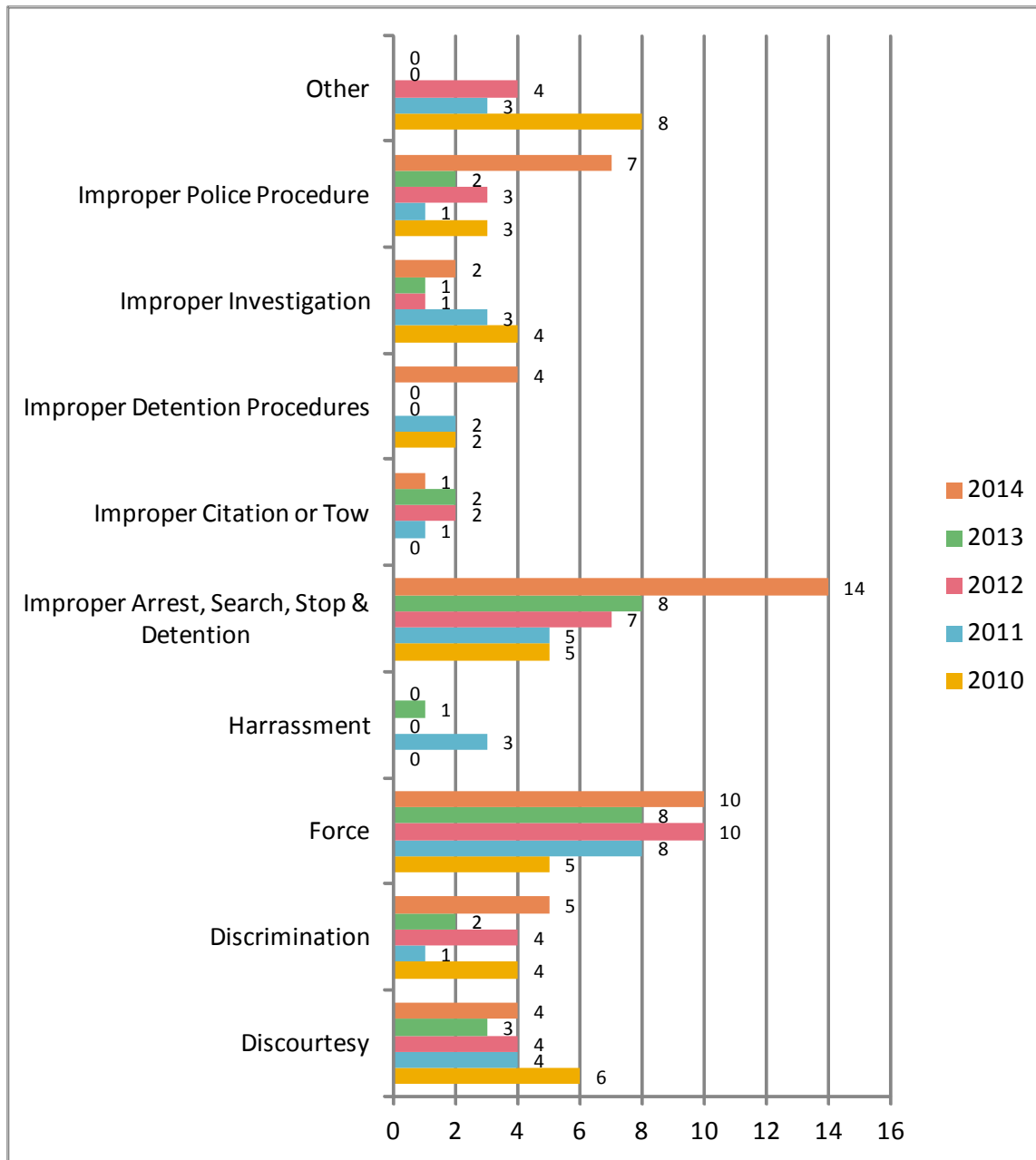
The following chart shows the percentage of allegations sustained out of the total number of allegations heard at a Board of Inquiry Hearing for the years 2010-2014.

Rates of “Sustained” Findings 2010-2014		
2014	2 of 47 allegations sustained	4.25%
2013	4 of 27 allegations sustained	14.75%
2012	2 of 35 allegations sustained	5.75%
2011	7 of 31 allegations sustained	22.50%
2010	5 of 37 allegations sustained	13.50%

\* The percentages in the last column are rounded to the nearest ¼ of 1 percent.



### 4. CATEGORIES OF ALLEGATIONS HEARD AT A BOARD OF INQUIRY



In 2014, as in the two years prior, the two types of allegations most frequently addressed at Board of Inquiry Hearings were in the categories of 1) Improper Arrest, Search, Stop or Detention, and 2) Excessive Force.



## 5. FINDINGS ON ALLEGATIONS HEARD AT A BOARD OF INQUIRY (By category)

Board of Inquiry Hearings 2014											8 Cases
Categories	EXF	DIS	ASD	DET	PRJ	HAR	PRO	CIT	OTH	INV	TOTALS
Sustained	0	1	0	0	0	0	1	0	0	0	2
Not Sustained	7	0	4	0	0	0	2	1	0	1	15
Exonerated	0	0	5	2	0	0	1	0	0	0	8
Unfounded	3	3	5	2	5	0	2	0	0	1	21
<i>No Majority Vote</i>	0	0	0	0	0	0	1	0	0	0	1
<b>Totals</b>	<b>10</b>	<b>4</b>	<b>14</b>	<b>4</b>	<b>5</b>	<b>0</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>47</b>

Board of Inquiry Hearings 2013											9 Cases
Categories	EXF	DIS	ASD	DET	PRJ	HAR	PRO	CIT	OTH	INV	TOTALS
Sustained	2	1	1	0	0	0	0	0	0	0	4
Not Sustained	5	1	0	0	0	0	2	1	0	0	9
Exonerated	1	0	7	0	1	0	0	1	0	1	11
Unfounded	0	1	0	0	1	1	0	0	0	0	3
<b>Totals</b>	<b>8</b>	<b>3</b>	<b>8</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>27</b>

Board of Inquiry Hearings 2012											6 Cases
Categories	EXF	DIS	ASD	DET	PRJ	HAR	PRO	CIT	OTH	INV	TOTALS
Sustained	0	1	0	0	0	0	0	1	0	0	2
Not Sustained	3	3	3	0	4	0	0	1	3	0	17
Exonerated	3	0	3	0	0	0	2	0	0	0	8
Unfounded	4	0	1	0	0	0	1	0	0	1	7
<i>No Majority Vote</i>	0	0	0	0	0	0	0	0	1	0	1
<b>Totals</b>	<b>10</b>	<b>4</b>	<b>7</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>35</b>

### Allegation Legend

**EXF**=Excessive Force

**DIS**=Discourtesy

**ASD**=Improper Arrest, Search, Seizure, Stop or Detention

**DET**=Improper Detention Procedures

**PRJ**=Discrimination

**HAR**=Harassment

**PRO**=Improper Police Procedures

**CIT**=Improper Citation or Tow

**OTH**=Other (includes Abuse of Discretion, Breach of Confidentiality, Failure to Identify Oneself, Lack of Discretion, Threat, Abuse of Authority, and Retaliation)

**INV**=Improper Investigation





Board of Inquiry Hearings 2011											10 Cases
Categories	EXF	DIS	ASD	DET	PRJ	HAR	PRO	CIT	OTH	INV	TOTALS
Sustained	2	1	1	2	0	0	0	0	0	1	7
Not Sustained	3	1	1	0	1	2	0	0	0	1	9
Exonerated	1	0	2	0	0	0	0	0	2	0	5
Unfounded	2	2	1	0	0	1	1	1	1	1	10
<b>Totals</b>	<b>8</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>31</b>

Board of Inquiry Hearings 2010											9 Cases
Categories	EXF	DIS	ASD	DET	PRJ	HAR	PRO	CIT	OTH	INV	TOTALS
Sustained	1	3	1	0	0	0	0	0	0	0	5
Not Sustained	2	3	0	1	1	0	1	0	2	1	11
Exonerated	0	0	3	0	0	0	1	0	2	0	6
Unfounded	2	0	1	1	3	0	1	0	4	3	15
<b>Totals</b>	<b>5</b>	<b>6</b>	<b>5</b>	<b>2</b>	<b>4</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>8</b>	<b>4</b>	<b>37</b>

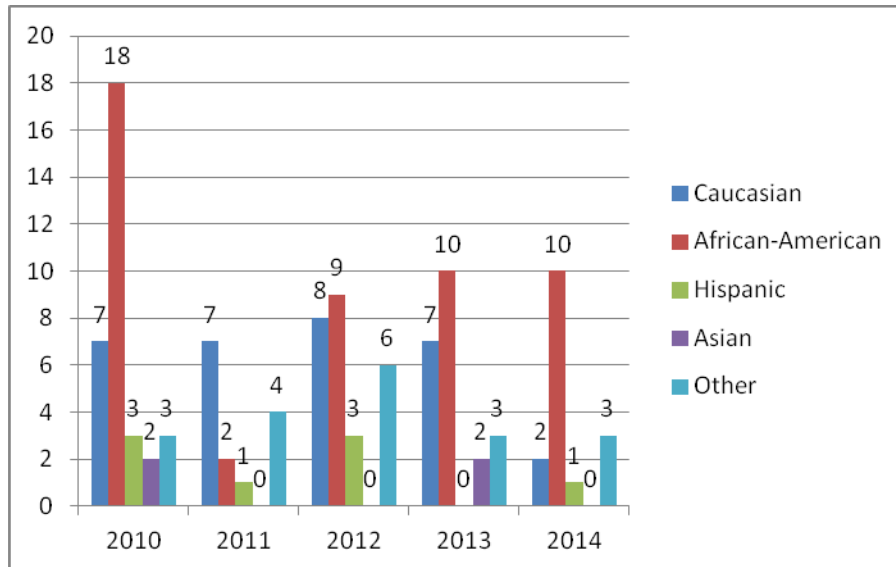
**Allegation Legend****EXF**=Excessive Force**DIS**=Discourtesy**ASD**=Improper Arrest, Search, Seizure, Stop or Detention**DET**=Improper Detention Procedures**PRJ**=Discrimination**HAR**=Harassment**PRO**=Improper Police Procedures**CIT**=Improper Citation or Tow**OTH**=Other (includes Abuse of Discretion, Breach of Confidentiality, Failure to Identify Oneself, Lack of Discretion, Threat, Abuse of Authority, and Retaliation)**INV**=Improper Investigation



## 6. COMPLAINANT DEMOGRAPHICS

Complainants are asked to report their ethnicity, gender, and age, so that the PRC can track this information for statistical purposes. For 2014, the ethnicity, gender and age statistics are reported for individual complaint filers. There were no co-complainants (two or more people filing an individual complaint about the same incident) in 2014, so the number of persons reflected in the categories below for 2014 is identical to the number of complaints received. In the other years, the numbers reflected in these categories sometimes varied from the number of complaints received for a given year if co-complainants or complainants in policy cases were included.

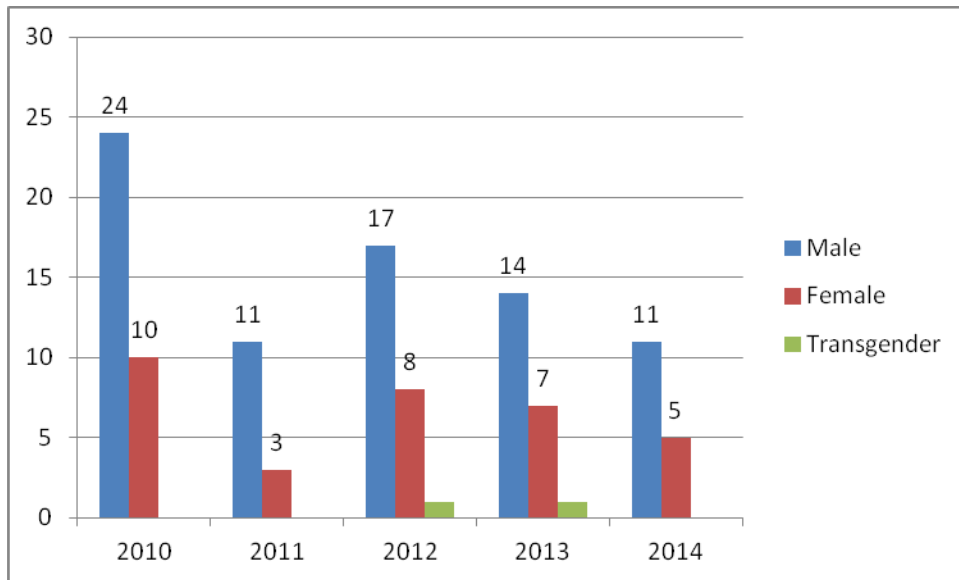
### COMPLAINANTS' ETHNICITY



In 2014, the majority of complainants were African American, consistent with most prior years. The “Other” category, showing 3 complainants in 2014, includes multi-ethnic persons and those who did not specify.

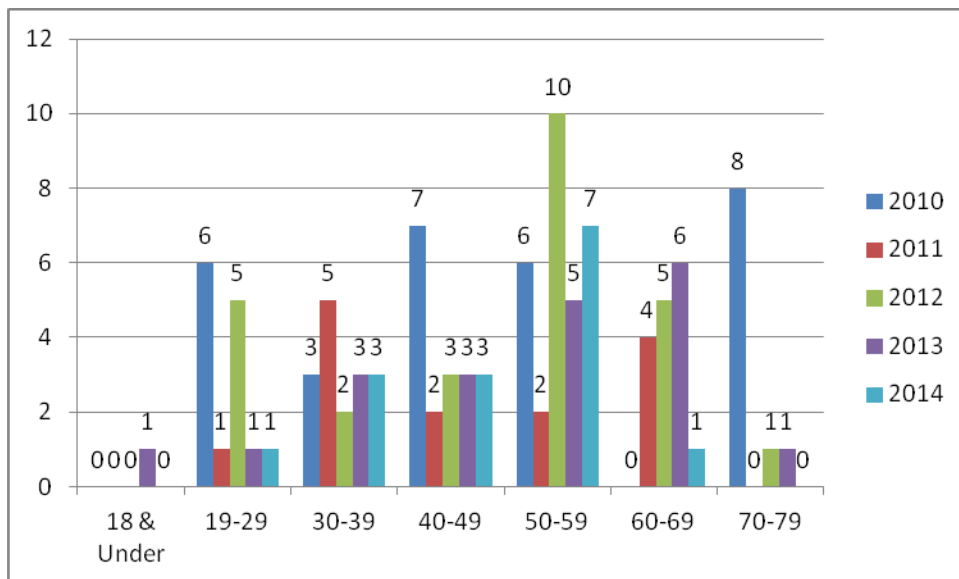


### COMPLAINANTS' GENDER



2014 was typical of other years where the number of male complainants is close to or more than twice the number of female complainants.

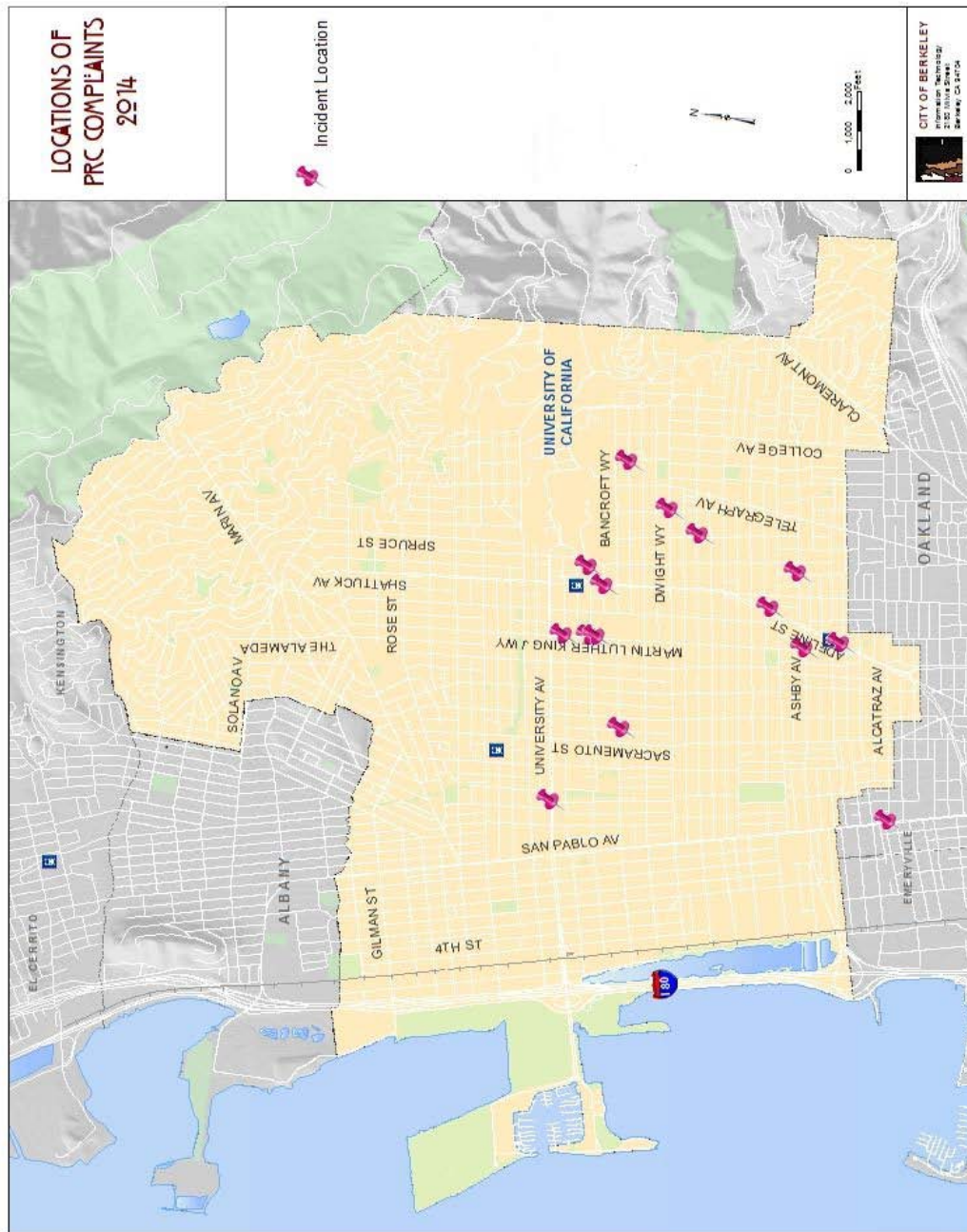
### COMPLAINANTS BY AGE GROUP



In 2014, complainants between the ages of 50-59 significantly outnumbered those in other age groups. (One person declined to give their age, which is not reflected in the chart above.) Over the past five years, in the aggregate, the majority of complainants have been 40 or older; and only one was 18 or younger.



### 7. INCIDENT LOCATION MAP FOR 2014



This map shows that all misconduct complained of in 2014 occurred south of University Avenue and the University of California campus. Fifteen incident locations for 16 individual complaints are shown because two complaints involved the same address.



## 8. APPEALS OF BOARD OF INQUIRY FINDINGS - CALOCA

Police officers can appeal findings of misconduct that are sustained at a Board of Inquiry Hearing. These are referred to as *Caloca* appeals, in reference to the court cases that established the officers' right to appeal.<sup>3</sup>

In the *Caloca* appeal process, an administrative law judge (ALJ) from the State Office of Administrative Hearings conducts an "*independent re-examination*" of the decision. The PRC must prove, by clear and convincing evidence, that the sustained finding should be upheld.

In 2014, two cases were appealed under *Caloca*. In one case, the ALJ overturned the BOI finding; the other case was scheduled for hearing in 2015.

This table shows the outcome of appeals decided in each year from 2010 to 2014.

Year	PRC Sustained Findings Appealed	<i>Caloca</i> Ruling
2014	(1 case) 1 allegation	1 allegation <i>Unfounded</i>
2013	(1 case) 1 allegation	1 allegation <i>Unfounded</i>
	(1 case) 1 allegation	1 allegation <i>Sustained</i>
	(1 case) 1 allegation	1 allegation <i>Sustained</i>
	(1 case) 3 allegations	3 allegations <i>Exonerated</i>
2012	(1 case) 2 allegations	2 allegations <i>Not Sustained</i>
	(1 case) 1 allegation	1 allegation <i>Unfounded</i>
2011	(1 case) 2 allegations	1 allegation <i>Sustained</i> ; 1 allegation <i>Not Sustained</i>
2010	0 cases	Not applicable

<sup>3</sup> See *Caloca v. County of San Diego* (1999) 72 Cal.App.4<sup>th</sup> 1209 and *Caloca v. County of San Diego* (2002) 102 Cal.App.4<sup>th</sup> 433.



## VIII. SUBCOMMITTEES, MEETINGS, AND HEARINGS

### PRC SUBCOMMITTEES

The Police Review Commission creates ad-hoc (temporary) subcommittees as needed to address BPD policy issues and policy complaints by members of the community, and to research and provide recommendations to the full commission pertaining to other police-related issues or referrals from City Council.

In 2014, the Commission created or re-formed the following subcommittees. Each subcommittee is comprised of three or four commissioners. Representatives from the Berkeley Police Department and the Berkeley Police Association frequently attend PRC subcommittee meetings.

#### 1. FAIR AND IMPARTIAL POLICING

##### **Commissioners Sherman (Chair), Bernstein, and Shenoy**

Established in December 2013, this subcommittee was charged with reviewing and making a recommendation on a proposed new General Order, B-4, regarding Fair and Impartial Policing. The full Commission heard testimony about eliminating race-biased policing from representatives of the NAACP, ACLU, Peace & Justice Commission, and the BPD. The subcommittee's recommendation for a new general order, adopted by the full Commission, was eventually adopted by the City Council and became effective in the Fall of 2014.

#### 2. REGULATIONS

##### **Commissioners Bernstein (Chair), Rogers, Shenoy, Sherman**

This subcommittee, whose work began in mid-2013 to review the PRC's *Regulations for Handling Complaints Against Members of the Police Department*, was the most active subcommittee in 2014. It performed a comprehensive review of the regulations with the goal of making the complaint process, from intake through BOI hearing, more efficient; additionally, some provisions were made clearer. The full Commission adopted all of the subcommittee's suggestions. In June, the Commission adopted revisions to bolster the confidentiality provisions of the regulations, which became



effective immediately.<sup>4</sup> The remainder of the changes are awaiting the outcome of City management's meet-and-confer with the Berkeley Police Association.

### 3. WEARABLE VIDEO CAMERAS

#### **Commissioners Cardoza (Chair), Allen, Lowhurst, Perezvelez**

In March 2014, the City Council asked the City Manager and PRC to investigate the police officers' use of body-worn cameras in other jurisdictions, so the Wearable Video Camera Subcommittee was formed. The group spent considerable time studying the literature about body cameras used in police agencies around the country. Additionally, the subcommittee heard from representatives from the Oakland and BART Police Departments about how the cameras have been working in their jurisdictions. The subcommittee's report, finding no reason to not adopt the use of body-worn cameras, was approved by the full Commission and forwarded to the City Council in December 2014, along with a report from the BPD..

### 5. MUTUAL AID PACTS

#### **Commissioners Lowhurst (Chair), Bernstein, Zerrudo**

The Commission forms a subcommittee each year to review BPD's mutual aid agreements with other law enforcement agencies and organizations. In 2014, the Commission, acting on the subcommittee's proposal, recommended to the Council that all mutual aid pacts be approved. The Commission called attention to the agreement with the Northern California Regional Intelligence Center (NCRIC), however, expressing its concern over the massive amount of NSA and CIA monitoring and intrusion into citizens' private and personal communications. Thus, the Commission informed the City Council that, while it recognized certain benefits of the NCRIC accord, it asked that the PRC be a part of the reporting and review process to ensure continued protection of the community's First Amendment rights.

In response, the City Council directed that staff, in consultation with the PRC, review General Order N-17 on Suspicious Activity Reporting. The PRC created the **Suspicious Activity Reporting Subcommittee** in late 2014, whose work to review G.O. N-17 was to occur primarily in 2015.

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<sup>4</sup> The changes are found in an enhanced Preamble, a new Section IV, and a revised Section VI.D. The Regulations can be found online at [www.CityofBerkeley.info/prc/](http://www.CityofBerkeley.info/prc/).

**2014 MEETINGS and HEARINGS SUMMARY**

<b>Type of Meeting or Hearing</b>	<b>Number</b>
Regular PRC Meetings	18
Special PRC Meeting	1
Fair and Impartial Policing Subcommittee	3
Regulations Subcommittee	12
Wearable Video Cameras Subcommittee	6
Mutual Aid Pacts Subcommittee	4
Boards of Inquiry	9
<b>TOTAL</b>	<b>53</b>





## 2014 MEETINGS AND HEARINGS

### January

3 Board of Inquiry, Complaint #2330  
8 Regulations  
8 Regular Meeting  
16 Fair & Impartial Policing  
22 Regular Meeting  
29 Regulations

### February

12 Fair & Impartial Policing  
12 Regular Meeting  
19 & 20 Board of Inquiry, Complaint #2327

### March

12 Fair & Impartial Policing  
12 Regulations  
12 Regular Meeting  
26 Regulations  
26 Regular Meeting

### April

3 Regulations  
9 Regular Meeting  
17 Regulations  
23 Regular Meeting  
28 Regulations  
30 Wearable Video Cameras

### May

5 Regulations  
14 Mutual Aid Pacts  
14 Regular Meeting  
28 Regulations  
28 Wearable Video Cameras  
28 Regular Meeting



## 2014 MEETINGS AND HEARINGS (continued)

**June**

10	Regulations
11	Mutual Aid Pacts
11	Regular Meeting
25	Wearable Video Cameras
25	Regular Meeting
26	Regulations

**July**

1	Regulations
9	Regular Meeting
23	Wearable Video Cameras
23	Regular Meeting

**August**

6	Board of Inquiry, Complaint #2339
14	Mutual Aid Pacts

**September**

5	Board of Inquiry, Complaint #2338
10	Mutual Aid Pacts
10	Regular Meeting
23	Special Meeting
29	Board of Inquiry, Complaint #2342

**October**

8	Wearable Video Cameras
8	Regular Meeting
10	Board of Inquiry, Complaint #2353
22	Regular Meeting
29	Board of Inquiry, Complaint #2349

**November**

5	Board of Inquiry, Complaint #2357
12	Wearable Video Cameras
12	Regular Meeting
20	Board of Inquiry, Complaint #2348

**December**

10	Regular Meeting
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