



Police Review Commission (PRC)

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

**Wednesday, March 23, 2016**  
**7:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY VICE-CHAIR ROBERTS AT 7:06 P.M.**

Present: Commissioner George Perezvelez (Chair) (arrived 8:35 p.m.)  
Commissioner Terry Roberts (Vice Chair)  
Commissioner Alison Bernstein  
Commissioner George Lippman  
Commissioner Michael Sherman  
Commissioner Kad Smith  
Commissioner Ayelet Waldman (left 8:30 p.m.)  
Commissioner Ari Yampolsky (left 7:25 p.m.)

Absent: Commissioner Jerry Javier

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Capt. Andy Greenwood (left 8:30 p.m.), Sgt. Benjamin Cardoza, Ofc. Samantha Speelman, Ofc. Marcus Dinkins

**2. APPROVAL OF AGENDA**

The agenda was approved by general consent

**3. PUBLIC COMMENT**

There were six speakers.

**4. APPROVAL OF MINUTES**

The PRC Officer noted a correction to p. 3, 8<sup>th</sup> line, to insert "that the" before "Chair".

**Motion to approve Regular Meeting Minutes of March 9, 2016, as corrected.**

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

Ayes: Bernstein, Lippman, Perezvelez, Roberts, Sherman, Waldman, and Yampolsky.

Noes: None

Abstain: Smith

Absent: Javier

## **5. CHAIR'S REPORT**

None.

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

- Case deadlines report was distributed. Two new complaints filed since last meeting.
- Next regular meeting 3 weeks, not 2 weeks, from now.
- Reminders: April 7 Oakland CPRB conference -- Commissioners Javier, Lippman, Roberts, Perezvelez, Smith and Investigator Norris signed up to attend. April 9 BPD-sponsored session on fair and impartial policing -- Commissioners Lippman, Roberts, and Smith, and either Javier or Yampolsky to attend.
- PRC Offices moving to 1<sup>st</sup> floor from 3<sup>rd</sup> floor of 1947 Center Street as of April 4, 2016.
- HWCAC recommendations affect their commission only, so included in packet as informational item and not agendized for action.
- The PRC Priority List and PRC requests to BPD, prioritized, are found on pp. 33 and 35 of the agenda packet FYI.
- Confirmed that BPD website now informs people that they can file a Public Records Act request by email.
- PRC Officer did have conversations with Mr. Haberfeld in response to his email.

## **7. CHIEF OF POLICE'S REPORT**

Capt. Greenwood reported on Chief Meehan's behalf:

- Staffing at 170 or 171 sworn. Lots of training going on, including 8-hour CIT [Crisis Intervention Team] training. Friday night basketball games at the Young Adult Project have started up again.

Questions:

- Could we get copies of the curriculum for both the 8-hour and 38-hour CIT trainings? Yes.
- Comment on recent shootings? In one case, the suspect turned himself in; case is closed. The other, a double shooting, is under active investigation. They are not connected, nor is either case connected to other activity.
- Mayor's comment on rape kit testing; status? The issue is that they don't know the exact circumstances why a kit didn't get tested in 2008. Current backlog of SART kit tests is zero, of the cases within the statute of limitations. SART [Sexual Assault Response Team] kit testing is biological evidence analyzed and DNA uploaded into CODIS [Combined DNA Index System], a national DNA base. Supported with funding from District Attorney O'Malley. Paradigm change: Where formerly didn't send SART kits for testing when suspect is known (e.g., acquaintance rape), now automatically submit all, recognizing importance of uploading DNA into CODIS so can potentially make a connection. About 200-300 cases more than 10 years old, not prosecutable (beyond statute of limitations); working to clear that backlog.

## 8. OLD BUSINESS (discussion & action)

- a. Policy complaint: McKinley Avenue staging: BPD presentation of new general order on staging practices; consider closure of complaint.

BPD presented proposed revision to General Order U-4; one complainant made comments; Commission discussed without taking action. *To be continued to April 13, 2016 meeting.*

- b. Implementation of Council directive regarding PRC and BPD recommendations following BPD response to December 6, 2014 protests: consideration of recommendations #1, #14, #15, #28, #31, and #32. 2:04

**By general consent, the Commission asked the PRC Officer to write a letter to Chief Meehan asking what steps the department has taken, or plans to take, on recommendation numbers 1, 14, 15, 31, and 32 of the BPD report following the December 2014 protests; the Commission prefers answers in writing and may wish to discuss them at a PRC meeting.**

- c. Review of revised General Order W-1 (Right to Watch) proposed by BPD. *(Heard following Item # 8.f.)*

**Motion that the Police Review Commission recommend to the Berkeley Police Department that the BPD adopt the existing SFPD General Order 5.07, except that: 1) in Section I.B.2. of that order, the word “investigation” replace “interrogation”; and 2) references to jurisdiction-specific codes and orders be changed to reflect equivalent Berkeley policies.**

Moved/Seconded (Bernstein/Sherman)

**Friendly amendment to add, “in lieu of the draft General Order W-01.”**

(Moved by Smith; Accepted by Bernstein and Sherman)

**Motion, as amended, carried**

Ayes: Bernstein, Lippman, Perezvelez, Roberts, Sherman, and Smith

Noes: None Abstain: None Absent: Javier, Waldman, and Yampolsky

- d. Senate Bill 1286, Increasing Law Enforcement Transparency bill. *(Heard following Item # 8.b.)*

Following discussion, no action taken.

- e. Reports from BPD under General Order C-1, Intelligence Procedures for First Amendment Activities.

Reports received; No action taken.

- f. Possible dates and structure of meeting regarding Liberty City. *(Heard following Item #8.a.)*

**By general consent, the Commission decided to hold a hearing on this matter as part of its regular meeting on April 27, 2016. Invite other**

**commissions if they wish to have input but not a joint meeting. Rest of agenda for that date will be kept to a minimum.**

*(PRC Officer's note: The above action supplements the PRC's decision at its March 9 meeting to invite BPD Capt. Greenwood and Liberty City organizers to each make 20-minute presentations at a PRC meeting.)*

**9. NEW BUSINESS (discussion & action)**

- a. Accept agreed-upon changes to Regulations signed by the Deputy City Manager and the BPA President.

*This item was postponed to the next meeting because the changes were not ready.*

- b. Consider participating in the Berkeley Juneteenth Festival on Sunday, June 19, 2016. 2:32

**By general consent, the Commissioners agreed to participate in Juneteenth, and directed the PRC Officer to make the necessary arrangements to secure a booth or share one.**

**10. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS (discussion & action)**

- a. Body-Worn and Dash Cameras Subcommittee  
The Subcommittee continues to meet about every couple weeks. The next meeting is tentatively scheduled for April 6.
- b. General Orders C-64, etc. Subcommittee  
Been meeting regularly and going well. Next meeting tomorrow night 6 p.m.
- c. December 7 & 8 Investigation Subcommittee  
Report given.
- d. Transgender G.O. Subcommittee  
No more meetings. Will be bringing a final draft to the Commission for a vote.

**11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

Attached.

**12. PUBLIC COMMENT**

There was one speaker.

**13. ADJOURNMENT**

**By general consent, the meeting was adjourned at 9:53 p.m.**