



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, December 14, 2016
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR ROBERTS AT 7:07 P.M.

Present: Commissioner Terry Roberts (Chair)
Commissioner Alison Bernstein
Commissioner Kimberly DaSilva
Commissioner George Lippman
Commissioner Andrea Prichett
Commissioner Ari Yampolsky
Commissioner Ben Gould (temporary appointee)

Absent: Commissioner Kad Smith

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood, Lt. Dave Reece, Sgt. Joe Okies (all left 9:45 p.m.) Sgt. Ben Cardoza, Sgt. Sean Ross

2. APPROVAL OF AGENDA

By general consent the agenda was approved with the reordering of business as follows: to first consider Items #8.d., 9.d., 8.b., and 9.e.

3. PUBLIC COMMENT

There were 4 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of November 9, 2016

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

Ayes: Bernstein, DaSilva, Lippman, Roberts, and Yampolsky.

Noes: None Abstain: Gould, Prichett Absent: Smith

5. CHAIR'S REPORT

- Two longstanding members of the Commission have resigned: George Perezvelez and Michael Sherman. Commissioner Bernstein will work with the PRC Officer to produce certificates of appreciation.
- Commissioner Andrea Prichett, a new appointee, was introduced, and she spoke of her interest in police accountability.

6. PRC OFFICER'S REPORT

- Complaint deadlines report was distributed. One new complaint filed since the last meeting. Two complaints (#2403 and #2408) went to mediation; both were completed and are now closed.
- Commissioners are reminded of their obligation to serve on BOIs.
- South Berkeley Senior Center will be closed starting next week through March 2017; meetings will be held at the North Berkeley Senior Center.
- Prior advice re communicating informal complaints to the Commission was erroneous. Per City Attorney, PSOBRA prohibits those complaints from distribution to Commission. Per Commissioner Lippman's request, PRC Officer will ask for a written opinion and for the Assistant City Attorney to attend a PRC meeting.

7. CHIEF OF POLICE'S REPORT

- Working to address a series of street robberies in North Berkeley.
- Staffing: swore in 3 lateral officers last week. 8 new officers very soon, with 5 more after that, and possibly two more laterals. Save the date for Jan. 19 public ceremony at Freight & Salvage for the promotion 2 captains, 2 lieutenants, 2 sergeants and possibly one more of each.
- Willing to look into policy review regarding how changes in law are communicated to officers.

Questions:

- Status of CPE report? Chief: 4 years of data has been given to CPE. Methodology includes climate survey conducted by CPE to measure members' attitudes. Per Capt. Frankel, CPE says report will be done by end of February.
- Presentation by CPE? Chief: speakers he would get are local people who aren't working with Berkeley data.
- Plan for how to approach, if report finds there is bias? Chief: haven't formulated plan; want to see what results are. Have done implicit bias training; and procedural justice classes.
- How preparing for Prop. 64, especially for DUIs? Chief: Professional Standards Div. to address. DUI a concern. Need more training on drug recognition.

8. OLD BUSINESS (discussion & action)

- a. Commendations of BPD personnel January through June 2016.
(*Heard following Item #9.e.*)

By general consent, the Commissioners singled out the following officers and other BPD staff for special recognition; and asked the PRC Officer to write a letter to the Chief informing him of such.

Ofc. Burcham	Sgt. Fomby
Det. S. Lee (twice)	Ofc. Schulz
Ofc. Hartley	Ofc. M. Jones
Sgt. J Wilson	Ofc. Lui
Dispatcher T. Lopes	Ofc. Nash
Ofc. Hammonds	Capt. Greenwood
Ofc. Collier	Lt. Rateaver
Sgt. Landrum	Ofc. Speelman
CSO Assata	Ofc. Emelson
Ofc. Kishiyama (twice)	Ofc. Peters
Sgt. Hong (twice)	Ofc. Kaplan
Lt. Roller	Ofc. Huerta
Ofc. Navarro	Sgt. A. Frankel
Ofc. Mathis	Ofc. Bledsoe
Ofc. Phelps	Ofc. Dozier
Ofc. Rafferty	Ofc. Diaz
Ofc. Shannon	Ofc. R. Andersen
Sgt. K. Reece	Ofc. Seaton
Evidence Tech. J. Schwarck	Ofc. Coats
Sgt. Okies	Ofc. V. Martine

- b. Review draft of response to City Manager's September 12, 2016 letter regarding the standard of proof used in BOI hearings.
(*Heard following Item #9.d.*)

Motion to forward the letter, as drafted, to the City Manager, with a copy to the City Council.

Moved/Seconded (DaSilva/Prichett) **Motion Carried**

Ayes: Bernstein, DaSilva, Lippman, Prichett, Roberts, and Yampolsky.

Noes: None

Abstain: Gould

Absent: Smith

- c. Review of BPD marijuana enforcement report.

Motion to request that the BPD's next semi-annual marijuana report provide data comparing marijuana arrests and citations to other drug-related arrests and citations, disaggregated by race.

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

Ayes: Bernstein, DaSilva, Gould, Lippman, Prichett, Roberts, and Yampolsky.

Noes: None

Abstain: None

Absent: Smith

- d. Review revised General Order C-64 and Commander's Guide
(Heard following Item #7)

Motion to refer the draft Commander's Guide and General Order C-64 back to the Subcommittee on General Orders C-64, etc.

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

Ayes: Bernstein, DaSilva, Gould, Lippman, Prichett, Roberts, and Yampolsky.

Noes: None

Abstain: None

Absent: Smith

9. NEW BUSINESS (discussion & action)

- a. Establish 2017 Regular Meeting schedule

The proposed 2017 Regular Meeting schedule was adopted by general consent.

- b. Consider amendment to PRC Standing Rules, Section J, Appointment of Members of the Public to Subcommittees, to provide that public members must be residents of the City of Berkeley.

Motion to amend the PRC Standing Rules to add to Section J.1., Subsection a), the requirement that public members be a resident of Berkeley.

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

Ayes: Bernstein, DaSilva, Gould, Roberts, and Yampolsky.

Noes: None

Abstain: Lippman, Prichett

Absent: Smith

- c. Report on meeting with BPD regarding Body-Worn Camera policy
(Item postponed to the next meeting.)
- d. Review list of 25 Lexipol policies reviewed by BPD; identify specific policies for review and/or questions for BPD.
(Heard following Item #8.d.)
After extensive discussion, the Commission agreed to re-agendize this matter for the next meeting.
- e. Presentation of BPD stop data
(Heard following Item #8.b.)
Comm. Lippman made a presentation and answered questions.
- f. Presentation by representative from Center for Policing Equity.
(Item postponed.)
- g. Prioritization of PRC tasks and requests to BPD.
(Item postponed to the next meeting.)

10. SUBCOMMITTEE APPOINTMENTS, REPORTS, AND RECOMMENDATIONS (discussion & action)

(All Subcommittee items postponed to the next meeting.)

- a. Fair & Impartial Policing Subcommittee
Update; schedule next meeting date.
- b. Mutual Aid Pacts Subcommittee
Update; schedule next meeting date.
- c. Media Credentialing Subcommittee
Update; schedule next meeting date.
- d. Surveillance and Community Safety Ordinance Subcommittee
Update; schedule next meeting date.
- e. General Orders C-64, etc. Subcommittee
Consider dissolving.
- f. Body-Worn Cameras Subcommittee
Consider dissolving.
- g. Outreach Subcommittee
Consider additional appointment; schedule meeting date.

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There was one speaker.

Closed Session

Pursuant to the Court's order in *Berkeley Police Association v. City of Berkeley, et al.*, Alameda County Superior Court Case No. 2002 057569, the PRC will recess into closed session to discuss and take action on the following matters:

13. REVIEW OF CALOCA DECISION

Complaint #2380

(Item postponed to the next meeting.)

End of Closed Session

14. ADJOURNMENT

By general consent, the meeting was adjourned at 10:20 p.m.