



Police Review Commission (PRC)

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

**January 13, 2016  
7:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

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

Present: Commissioner Alison Bernstein (Chair)  
Commissioner George Lippman  
Commissioner George Perezvelez (Vice Chair)  
Commissioner Terry Roberts  
Commissioner Michael Sherman  
Commissioner Ayelet Waldman

Absent: Commissioners Jerry Javier, Kad Smith, Ari Yampolsky

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Capt. Cynthia Harris (left 8:30 p.m.), Sgt. Benjamin Cardoza

**2. APPROVAL OF AGENDA**

**The agenda was approved by consensus.**

**3. PUBLIC COMMENT**

There were 3 speakers. (Heard following Item #4.)

**4. APPROVAL OF MINUTES**

**By general consent, with Commissioner Roberts abstaining, the minutes of the Regular Meeting of December 9, 2015 were approved with a correction on Item 6.b., page 3, so that the phrase reads, "asked the PRC *Officer* to write a letter . . ."**

## 5. ELECTION OF 2016 CHAIR AND VICE-CHAIR (discussion and action)

**Motion to postpone the elections to the next meeting so all commissioners can be part of the vote.**

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

Ayes: Lippman      Noes: Bernstein, Perezvelez, Roberts, and Waldman

Abstain: Sherman      Absent: Javier, Smith, Yampolsky

**Motion to nominate George Perezvelez for Chairperson**

Moved/Seconded (Bernstein/Waldman)

**Motion to nominate George Lippman for Chairperson**

Moved/Seconded (Sherman/Perezvelez)

Aye votes for Commissioner Perezvelez: Bernstein, Perezvelez, Roberts, and Waldman

Aye votes for Commissioner Lippman: Lippman

**George Perezvelez was elected Chairperson**

**Motion to nominate George Lippman for Vice-Chairperson**

Moved/Seconded (Sherman/Waldman)

**Motion to nominate Terry Roberts for Vice-Chairperson**

Moved/Seconded (Bernstein/Perezvelez)

Aye votes for Commissioner Lippman: Lippman, Sherman

Aye votes for Commissioner Roberts: Bernstein, Perezvelez, Roberts

Abstention: Waldman

(Neither candidate received a majority of the votes of the Commissioners present.)

**By general consent, the Commission postponed the election of a Vice-Chairperson to the next meeting.**

## 6. CHAIR'S REPORT

Chair Bernstein made end-of-term remarks, and commissioners thanked and complimented the Chair for her leadership in 2015.

## 7. CHIEF OF POLICE'S REPORT

-- The tragic accidental death of a city refuse worker on Monday is being investigated by BPD and CalOSHA.

-- Reminder: MLK Day breakfast Monday at 8:00 a.m. at Hs Lordship's.

-- BPD is working on year-end crime numbers.

-- BPD has hired a fiscal manager whose only job is to work on the budget; currently working on the mid-year budget.

-- A recruitment just closed; testing starts month. 7 officers in FTO and 4 going to academy.

Questions:

-- Details about the Council agenda item for spending \$500,000 on BPD fleet vehicles? Each year, BPD funds go into the Public Works budget for replacing fleet

cars; this occurs on a regular schedule. The funds are already in the BPD's budget. Unsure of the exact number of fleet vehicles.

-- When will data analysis from CPE be moving forward? Still collecting and analyzing, and won't have an update until February.

-- What constitutes blocking the sidewalk? Would need to consult with city attorney.

-- Beat analysis? 4 – 6 months, per Lt. Montgomery at the last meeting.

-- Regarding enforcement of Penal Code 647(e) (referencing Training & Info Bulletin #220) – the low priority referenced is priority whose policy? City Council per Res. 61,042 - N.S.

-- Preparing anything in budget to carry out recommendations post-incident report re Dec. 2014 protests? Yes; among the items are body-worn cameras, body armor, crowd management training.

-- Interest in a cost analysis to carry out the recommendations.

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

-- One new complaint filed since last meeting; two complaints on for closure, for which a BOI was scheduled and then canceled at complainants' request.

-- The PRC's Investigative Report regarding the police response to the December 6 protests was on the Council's December 15 agenda, but was postponed to the January 26 meeting.

-- In December, the PRC Officer participated in an interview panel for the newly-established position of Director of the Independent Office of Law Enforcement Review and Outreach in Sonoma County.

## **9. OLD BUSINESS (discussion and action)**

a. Establish subcommittees for the following subjects, as identified at the prior meeting.

**By general consent, subcommittees for the following purposes were formed:**

-- Investigation into BPD response on December 7 & 8, 2014

-- Revision of General Orders C-64 (Crowd Control), U-2 (Use of Force), M-2 (Mutual Aid)

-- Fair and Impartial Policing

-- Media Credentialing Policy

The Chair made the following appointments:

-- Investigation into BPD response on December 7 & 8, 2014: Bernstein, Javier, Sherman

-- Revision of General Orders C-64 (Crowd Control), U-2 (Use of Force), M-2 (Mutual Aid): Bernstein, Lippman, Perezvelez, Waldman

-- Fair and Impartial Policing: Javier, Lippman, Roberts, Smith

-- Media Credentialing Policy: Perezvelez, Sherman, Smith

b. Status on revised General Order on the Right to Watch.  
(Heard following Item #7)

Capt. Harris reported that the re-drafted General Order will be presented for the PRC's review at its February 27 meeting.

- c. PRC Regulations For Handling Complaints Against Members of the Police Department: Review proposed regulation changes; status of meet-and-confer between City and BPA on; possible implementation of some regulations pending that process; consider establishment of subcommittee.

**By general consent, this item was postponed to the next meeting**

- d. Request that BPD send copies of all Use-of-Force reports to the PRC within 21 days of the incident.  
(Heard following Item #9.b.)

**By consensus, the Commission voted to ask the PRC Officer to write letter to City Attorney regarding whether any legal impediments to the BPD releasing redacting use-of-force reports, or a report that synthesizes the use-of-force reports.**

- e. Request for intelligence report from Chief Meehan, as required under General Order C-1, for the prior three years.  
(Heard following Item #9.d.)

Capt. Harris said she will see if such reports exist and if so, send them to the PRC.

- f. Transgender General Order

**By general consent, this item was postponed to the next meeting, but modified to delete dissolution of the Transgender G.O. Subcommittee.**

- g. Further discussion and action regarding prioritization of, and method of proceeding on, items on PRC's priority list.

**By general consent, this item was postponed to the next meeting**

#### **10. NEW BUSINESS (discussion and action)**

- a. Whether to initiate a policy review based on the policy complaint filed by Eli Hurwitz.

**Motion that the PRC decline to initiate a policy review from a complainant who did not attend the meeting.**

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

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

Noes: None Abstain: None Absent: Javier, Smith, Yampolsky

#### **11. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS (discussion and action)**

- a. Body-Worn and Dash Cameras Subcommittee  
The subcommittee chair, Commissioner Lippman, reported on the group's work, and its concern about meeting the Council's deadline.

## 12. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

## 13. PUBLIC COMMENT

There were two speakers.

### *Closed Session*

## 14. VOTE ON RECOMMENDATION FOR ADMINISTRATIVE CLOSURE

(Heard after Item #15.)

Complaint #2382

**Motion to approve above-referenced file for administrative closure.**

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

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

Noes: None Abstain: None Absent: Javier, Smith, Yampolsky

## 15. VOTE ON RECOMMENDATION FOR ADMINISTRATIVE CLOSURE

(Heard after Item #16.)

Complaint #2383

**Motion to approve above-referenced file for administrative closure.**

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

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

Noes: None Abstain: None Absent: Javier, Smith, Yampolsky

## 16. VOTE ON RECOMMENDATION FOR ADMINISTRATIVE CLOSURE

Complaint #2388

**Motion to approve above-referenced file for administrative closure.**

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

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

Noes: None Abstain: None Absent: Javier, Smith, Yampolsky

### *End of Closed Session*

## 17. ANNOUNCEMENT OF VOTE RESULTS FROM CLOSED SESSION

The votes to close Complaints #2382, #2383, and #2388, were announced.

## 18. ADJOURNMENT

**By general consent, the meeting was adjourned at 10:15 p.m.**