



Police Review Commission (PRC)

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

**January 27, 2016
7:00 P.M.**

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR PEREZVELEZ AT 7:09 P.M.

Present: Commissioner Alison Bernstein
Commissioner Jerry Javier
Commissioner George Lippman
Commissioner George Perezvelez (Chair)
Commissioner Terry Roberts
Commissioner Michael Sherman
Commissioner Kad Smith
Commissioner Ayelet Waldman
Commissioner Ari Yampolsky

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Capt. Cynthia Harris, Lt. Dan Montgomery, Sgt. Ben Cardoza, Sgt. Sean Ross, Sgt. Samantha Speelman

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

3. PUBLIC COMMENT

There were three speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of January 13, 2016

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

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

Noes: None

Abstain: Javier

Absent: None

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

Motion to nominate Terry Roberts for Vice-Chairperson

Moved/Seconded (Bernstein/Yampolsky)

Motion to nominate George Lippman for Vice-Chairperson

Moved/Seconded (Sherman/Javier)

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

Aye votes for Commissioner Lippman: Javier, Lippman, Sherman, and Smith

Terry Roberts was elected Vice-Chairperson

6. CHAIR'S REPORT

-- Last night [January 26] Commissioners Perezvelez and Bernstein and PRC Officer Lee presented the PRC's report of investigation on the BPD's response to the December 6, 2014 protests at the City Council meeting; Council gave direction to implement recommendations PRC and BPD agree on, and work to seek consensus on those we have differences on. Osha Neumann's letter on interpreting state law re mutual aid was referred to the City Manager/City Attorney.

-- Commissioner Bernstein announced that the PRC cannot co-sponsor the Fair and Impartial Policing training for the community as it previously voted to do, because it will be by invitation only, which would violate the Brown Act. The PRC can continue to support. She has been meeting with organizers.

7. CHIEF OF POLICE'S REPORT

Captain Harris announced that the annual crime report will be presented to the Council in March.

Questions:

-- What is BPD doing to implement the new use-of-force (UOF) reporting rules in AB 71? BPD is looking at how to modify their current reporting to comply with the new mandate. BPD is currently collecting the data; they are aware the reporting will have to cover incidents beginning Jan. 1, 2016. Unsure how new law affects how BPD reports UOF during demonstrations.

-- Any report back from CPE yet? No.

-- Status of report to PRC under GO C-1? Has been assigned to someone in BPD.

8. PRC OFFICER'S REPORT

-- One new complaint filed since last meeting.

-- Reminder for RSVPs to conference on April 7 sponsored by Oakland CPRB.

9. OLD BUSINESS (DISCUSSION AND ACTION)

a. PRC Regulations For Handling Complaints Against Members of the Police Department: Review proposed regulation changes; status of meet-and-confer between City and BPA; possible implementation of some regulations pending that process; consider establishment of subcommittee; PRC Officer's report on BOIs held within 120 days of complaint filing.

By general consent, the Commission asked the PRC Officer to inquire of the City Manager why the PRC Chair is not included in the current meet-and-confer on proposed Regulations changes.

- b. Transgender General Order
Status report from Commissioner Perezvelez; possible appointments to Transgender G.O. Subcommittee.
(Heard following Item #10.a.)

The Chair added Commissioner Javier to this Subcommittee (he has been taken off the Dec. 7 & 8 Investigation Subcommittee).
PRC Officer to schedule a Subcommittee meeting.

- c. Further discussion and action regarding prioritization of, and method of proceeding on, items on PRC's priority list, including which subcommittees should meet first.

Subcommittees that are a priority are the Body-Worn and Dash Cameras, General Orders C-6, etc., and December 7 & 8 Investigation Subcommittees. Transgender G.O. Subcommittee should not need much time. Fair & Impartial Policing Subcommittee important, but scheduling difficult at this time. Media Credentialing Subcommittee activity can be put on hold for now.

10. NEW BUSINESS (discussion and action)

- a. Amend Standing Rules to include guidelines and process for appointing non-PRC members to PRC subcommittees.
(Heard following Item #10.c.)

Motion to adopt all recommendations for appointing members of the public to PRC subcommittees except #3.

Moved (Sherman). Motion died for lack of second.

By general consent, this matter will be agendized for the next meeting, and Commissioners who wish to propose alternative language for #3 should submit it to the PRC Officer.

- b. Whether to undertake a policy review of the BPD's involvement in the actions against Liberty City in December 2015, and if yes, what priority it should have, and how the commission should proceed.
(Heard following Item #9.a.)

By general consent, the Commission asked the PRC Officer to find out who authorized the removal of Liberty City, before further action is taken.

- c. Amend Standing Rules to establish when public comment will be heard: at the beginning and end of the meeting; before each agenda item; or other.

Motion to amend the Standing Rules to provide that before an agenda item is heard, the Chair or Vice-chair may poll members of the public present to determine if a significant number of them wish to speak on a particular

agenda item and, if so, move that public comment on that item can be heard just before the item.

Moved/Seconded (Bernstein/Waldman) Motion Carried

Ayes: Bernstein, Javier, Lippman, Perezvelez, Roberts, Sherman, Smith, Waldman and Yampolsky

Noes: None

Abstain: None

Absent: None

- d. Inquire of the BPD what rules or guidelines are in place to determine when the sidewalk is being blocked.
(Heard following Item #9.c.)

By general consent, the Commission asked the PRC Officer to request an opinion from the City Attorney as to what constitutes blocking the sidewalk under Penal Code section 647(e).

- e. Audit or inventory of BPD's less-than-lethal weapons.

By general consent, the Commission asked the PRC Officer to ask the BPD to provide an inventory of less-than-lethal weapons and munitions for those weapons.

- f. Review commendations of BPD personnel from January through June 2015, and identify those worthy of particular recognition.

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 and to publish their names in the meeting minutes:

Ofc. Lyle Ledward (three times)
Ofc. Jennifer Coats (twice)
Sgt. Todd Sabins
Ofc. Rush Jackson
Ofc. Beau Hunt (twice)
Ofc. Timothy Kaplan
Ofc. Scott Castle
Ofc. Brandon Butler
Ofc. Aron Belveal (twice)
Sgt. Jeffrey Chu
Sgt. Cesar Melero
Ofc. Brandon Smith
Ofc. Thomas Syto (twice)
Ofc. Brian Waggoner
Ofc. Christopher Waite (twice)
Ofc. Mary Kusmiss
Capt. Cynthia Harris
Capt. Andy Greenwood
Sgt. Patricia Dela Luna
Ofc. Lionel Dozier

Ofc. Erik Keene
Ofc. Greg Michalczyk (twice)
Lt. (now Capt.) Andrew Frankel
Ofc. Anthony Cerletti
Ofc. Earl Emelson (twice)
Ofc. Joel Del Rosario
Ofc. Michael Yu
Sgt. Jennifer Wilson
Ofc. Joshua Smith
Ofc. Corey Shedoudy
Sgt. Melanie Turner
Ofc. Derek Radey
Ofc. Skyler Ramey
Ofc. Benjamin Phelps
Ofc. Darren Kacalek
Ofc. Miguel Salazar
Ofc. Devin Hogan
Ofc. Kevin Kleppe
Ofc. Brian Hartley
Ofc. Heriberto Diaz

Ofc. Jaylon De Bruin
Ofc. Jason Collier

Sgt. Van Huynh

11. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS (discussion and action)

a. Body-Worn and Dash Cameras Subcommittee

Subcommittee Chair George Lippman updated Commissioners about the group's work. The Council worksession to hear the item has been changed from March 29 to a later date to be determined.

b. Subcommittee assignments and possible reassignments

(Already discussed in conjunction with Item #9.c.)

c. Schedule subcommittee meetings, depending on outcome of discussion in Item #9.c. above

The General Orders C-64 etc. Subcommittee will meet on Thursday, February 18, 2016, at 6:00 p.m.

12. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

13. PUBLIC COMMENT

No speakers.

14. ADJOURNMENT

By general consent, the meeting was adjourned at 9:55 p.m.