



;;
Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

Wednesday, July 27, 2016
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR PEREZVELEZ AT 7:03 P.M.

Present: Commissioner George Perezvelez (Chair)
Commissioner Terry Roberts (Vice Chair)
Commissioner Alison Bernstein
Commissioner Kimberly DaSilva
Commissioner George Lippman
Commissioner Michael Sherman
Commissioner Kad Smith
Commissioner Ari Yampolsky
Commissioner Bulmaro Vicente (*temporary appointee*)

Absent: Commissioner Jerry Javier

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Michael Meehan (left 7:45 p.m.), Sgt. Benjamin Cardoza, Sgt. Sean Ross

2. APPROVAL OF AGENDA

The Chair asked to move Item #10.a. to after Item #7, to consider an appointment to the Fair & Impartial Policing Subcommittee. The PRC Officer noted a correction to Item #4, which states approval of the July 20 minutes, which should state July 13.

With the above changes, the agenda was approved by general consent.

- **A moment of silence** was observed for: Baton Rouge Police Department Officers Montrell Jackson and Matthew Gerald, and East Baton Rouge Sheriff's Deputy Brad Garafola.

3. PUBLIC COMMENT

There were 3 speakers.

4. APPROVAL OF MINUTES

Motion to approve the Regular Meeting minutes of July 13, 2016, as corrected to show Commissioner Yampolsky seconded the motion on Item #13.

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

Ayes: Bernstein, DaSilva, Lippman, Perezvelez, Roberts, Sherman, Smith, Vicente, and Yampolsky.

Noes: None

Abstain: None

Absent: Javier

5. CHIEF OF POLICE'S REPORT

-- Increase assault and rape; decrease in robbery & burglary. Anecdotal evidence that the statewide trend from last year of significant increase in crime is continuing.

-- Budget: looks like ran over; primarily due to filling shifts to meet minimum staffing requirements.

-- Lt. Montgomery at a training: Sr Management Inst. for Police, a 3-week course at Boston University; sponsored by PERF.

-- BPD developed and got POST-certified a Tactical De-escalation training course.

-- Currently 174 sworn, little over 98%, but includes 6 in academy.

-- Hosted a Young African Leader Institute fellow at BPD, a woman from Sudan. City hosted 6 people. Thousands of applications in Africa for each position. 4 weeks here with BPD, then 6 weeks in Washington, DC.

-- Reminder that National Night Out is on Tuesday, Aug. 2.

-- On Sept. 20 BPD will present mid-year crime report to Council; usually present to PRC shortly thereafter. Will work with PRC Officer to schedule.

-- Capt. Harris retiring Friday after 41 years; an amazing career and will be big loss. Due to her retirement a series of promotions: Sgt. Samantha Speelman (Professional Standards); Lt. Mike Durbin; Capt. Jennifer Louis.

Questions/comments:

-- Commend BPD on de-escalation training; described in Berkeleyside article. Shout-out to Sgt. Cummings. Chief: Don't know if BPD is the first, but to get POST-certified a big thing; other jurisdictions impressed and reaching out to them.

-- On Thursday people wanted to meet with Council at City Hall; many officers there. Chief: per City Manager, not a meeting but a protest inside the building. Okay to protest, but outside, not inside. Pass along any questions to PRC Officer.

-- More appreciation for de-escalation training. Also heard meetings scheduled and people turned away at the door even though Councilmembers came down and said let them in. Would like more information. Rise in rape stats due to re-classification? Chief: once re-classification took place (two years ago), then comparing same stats.

-- Re marijuana enforcement statistics, is it possible to layer demographic data on top of those stats? Chief will see. Commissioner: we have in past asked for the marijuana arrests to be placed in context of all drug arrests and will be asking again. Chief: marijuana is low priority among all enforcement, not just drug enforcement.

-- Council Worksession on body-worn cameras. Down to 4 items; looks like will move forward. Willing to sit down with representatives to find some common ground? Chief: Yes. Perhaps consider changing the mix of people who are participating, on both sides.

-- Coro fellowship program -- on Sunday, having police accountability event at City Hall; will you be there? Some high school students planning event to interact with police officers. Chief: ask was for 20 officers on a Sunday night; good idea but a challenge.

-- In light Capt. Frankel retiring soon, considered other promotions? Chief: Retirement not official yet. However, only 2 eligible from prior Captain's test.

-- Speaking of crime stats, PRC has been waiting for report on beat statistics.

6. CHAIR'S REPORT

-- Juneteenth: Commissioners Perezvelez, Lippman and Smith staffed the PRC table. Timbuktu (business) kind enough to loan a canopy. Table was too close to music and could've been visually improved. Topic of outreach will be agendaized to discuss more effective ways of reaching target audience.

-- Commonwealth Club sponsoring a discussion next Monday on police accountability at Glide Memorial Church in SF.

-- Newest Commissioner, Kim DaSilva, introduced herself. She is an attorney currently working for the Judicial Council's criminal justice division. Before then, worked for people on death row. Longstanding commitment to criminal justice issues. Has lived in Berkeley 4 years; 2 kids; invested in community.

7. PRC OFFICER'S REPORT

-- Complaint deadlines report distributed and explained.

-- Reminder that next Regular meeting is not until September 14, and meeting after that is September 21 because during the last week of September the PRC Officer and Investigator, and Chair, will be at the NACOLE Conference in Albuquerque, NM.

-- Scheduling of presentation of tactical de-escalation training; Commissioners agreed to August 10, 2016, at 7 p.m.

-- PRC Officer will be on vacation August 1 – 12, but will attend August 1 meeting with City Manager and the training on August 10.

A three-minute recess was taken.

8. OLD BUSINESS (discussion & action)

a. Review of draft PRC Annual Report.

Heard following Item #10.a.

By general consent, the Commission adopted the change to Commissioner Bernstein's letter, as clarified by Commissioner Yampolsky.

Motion to adopt the second of the two suggested alternatives, with the addition of "and incidents" to follow "violent individuals."

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

Ayes: Bernstein, DaSilva, Lippman, Perezvelez, Roberts, Sherman, Smith, and Yampolsky.

Noes: None

Abstain: DaSilva, Vicente

Absent: Javier

Motion to add the proposed paragraph to the Policy Work section.

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

Ayes: Bernstein, Lippman, Perezvelez, Roberts, Sherman, Smith, Vicente, and Yampolsky.

Noes: None

Abstain: DaSilva

Absent: Javier

Motion to approve the full Annual Report as revised

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

Ayes: Bernstein, Lippman, Perezvelez, Roberts, Sherman, Smith, Vicente, and Yampolsky.

Noes: None

Abstain: DaSilva

Absent: Javier

- b. Decide on scope and any next steps in December 7 & 8, 2014 investigation.

Motion that recommendations 1) and 3) be referred to the General Orders Subcommittee for consideration; and that a letter be sent on behalf of the full Commission to the Chief asking for answers to questions 1,3,5, and 7; and that the Dec 7 & 8 Subcommittee be disbanded.

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

Ayes: Bernstein, DaSilva, Lippman, Perezvelez, Roberts, Sherman, Smith, Vicente, and Yampolsky.

Noes: None

Abstain: None

Absent: Javier

- c. Consider initiating policy review regarding operation of DUI checkpoints.

By general consent, the Commission declined to open a policy review regarding the operation of DUI checkpoints.

- d. Status of request to BPD to revise General Order on the Right to Watch.

From: Commissioner Bernstein

Item postponed to the next meeting.

- e. Follow-up on PRC's letter to City Manager regarding the standard of proof used in BOI hearings.

Item postponed to the next meeting.

- f. Status of inquiry to City Manager regarding excusing a subject officer from appearing at a BOI.
Item postponed to the next meeting.
- g. Prioritization of any new issues the PRC has decided to address.
By general consent, the Commissioners prioritized their new requests to the Chief as follows: Assigning a departmental representative to the Fair & Impartial Subcommittee as Group I, and responding to the Commission's questions regarding December 7 and 8, 2014, as Group 2.
- h. Review of 2015 Internal Affairs complaint statistics.
The statistics were discussed; no action taken.

9. NEW BUSINESS (discussion & action)

- a. Recognition of Capt. Cynthia Harris upon her impending retirement.
By general consent, the Commission approved the proposed resolution honoring Capt. Harris, with minor edits by Commissioner Yampolsky; Chair Perezvelez to sign the final copy, which staff will print on nice paper and frame before sending.
- b. Consider an ordinance on community control of surveillance equipment.
Item postponed to the next meeting.
- c. Report on Council Worksession on body-worn cameras and next steps in finalizing policy.

Motion to empower a subset of the Commission to sit down with whomever the Chief brings to the table, with the following guidance: As to the PRC's positions that all interrogations should be recorded, that the use of private recording devices be prohibited, and that videos should be released to the PRC in conjunction with investigations, these general decisions are not negotiable, although details can be worked out; as to officer review of video prior to writing reports on use of force cases, see what better understanding you can get; and bring back to the full Commission.

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

Ayes: Bernstein, DaSilva, Perezvelez, Roberts, Sherman, Smith, Vicente, and Yampolsky.

Noes: None

Abstain: Lippman

Absent: Javier

- d. Creation of a subcommittee to examine revisions to the PRC enabling ordinance.
Item postponed to the next meeting.
- e. Participation in National Night Out.
Several commissioners indicated their intent to participate. PRC Officer to distribute list of participating neighborhood groups to commissioners.
- f. Content of findings report sent to complainants following a BOI.
Item postponed to the next meeting.

10. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS (discussion & action)

a. Fair & Impartial Policing Subcommittee

Heard following Item # 7.

Commissioner Lippman, who is Subcommittee chair, gave an update of the first meeting. The next meeting is scheduled for August 1, 2016 at 5:30 p.m.

Elliott Halpern presented himself to the Commission as a candidate for a public member of the subcommittee. The Chair appointed him.

b. General Orders C-64, etc. Subcommittee

Heard following Item #9.f.

The Subcommittee anticipates meeting once more before bringing a report to the full Commission in September.

c. December 7 & 8 Investigation Subcommittee

None. (Disbanded in Item #8.b.)

d. Mutual Aid Pacts Subcommittee

PRC Officer to work with Subcommittee members to schedule its first meeting.

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There were no speakers.

13. ADJOURNMENT

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