



Police Review Commission (PRC)

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

**Wednesday, September 21, 2016
7:00 P.M.**

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR PEREZVELEZ AT 7:05 P.M.

Present: Commissioner George Perezvelez (Chair)
Commissioner Terry Roberts (Vice Chair)
Commissioner Alison Bernstein
Commissioner Kimberly DaSilva
Commissioner Jerry Javier
Commissioner George Lippman (left 9:50 p.m.)
Commissioner Michael Sherman
Commissioner Kad Smith
Commissioner Ari Yampolsky (arrived 7:16 p.m.)

Absent: None

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Acting Chief Andy Greenwood (left 8:07 p.m.), Capt. Dave Frankel (left 8:07 p.m.), Sgt. Ben Cardoza, Sgt. Sean Ross

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

A moment of silence was observed for Terence Crutcher and Keith Lamont Scott, two lives lost to violence at the hands of police.

3. PUBLIC COMMENT

There were two speakers.

4. APPROVAL OF MINUTES

**Motion to approve Regular Meeting Minutes of September 14, 2016
Moved/Seconded (Bernstein/Roberts) Motion Carried**

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

Noes: None

Abstain: None

Absent: Yampolsky

5. CHAIR'S REPORT

- The Chair acknowledged the resignation of Chief Meehan, announced this morning, and reported he had spoken to several media outlets that requested comment.
- Wording for a certificate of appreciation to the Chief will be agendized for the next meeting.
- PRC Officer, Investigator, and Chair attending NACOLE conference Sept. 24 – 29.

6. PRC OFFICER'S REPORT

- No meeting next week; next meeting Thursday, October 13; after that October 26.
- Two complaints have been closed as mediation has been completed.
- PRC Officer and Investigator will be at NACOLE and out of office next Monday through Thursday; back in office Friday, Sept. 30. Ms. Martinez will be in office all week.
- PRC Officer and Chair will be meeting this Friday with various folks from Sacramento, who are seeking information about other oversight agencies in an effort to strengthen their existing model.

7. CHIEF OF POLICE'S REPORT

The Acting Chief reported:

- Currently 170 sworn; 10 are in academy and 3 in FTO. Recruiting for 7 academy spots late Dec./early Jan.
- In 2 weeks will be training on revised General Order C-64 -- all-day for 40 officers. Will include policy, tactics, and post-incident review.
- Currently 3 officers attending a train the trainer course on principled policing; they will return with tools to design an 8-hour course on procedural justice & police legitimacy. Hope to be on cutting edge of where profession is going on such issues.

Questions:

- How do you recruit such that you succeed at having a diverse dept.? Chief: Prefer if someone from Professional Standards Division talked about that at a future meeting. (PRC Officer to coordinate.)
- Welcome to Fair & Impartial Policing Subcommittee and farewell; who will replace you? Chief: Lt. Rico Roller will be Acting Capt. for Professional Standards.
- The 2 – 3 things you think you need to focus on? Chief: Vital to focus on staffing and short-term planning. Important to continue on path described yesterday [at F&IP Subcomm.], e.g., principled policing training. Immediate need to ensure dept. is on a steady course. Then develop 60- to 90-day plan. Overriding message is we're excellent people in an excellent and very capable dept. Calm steady move forward.
- PRC met with Chief & BPD last week on body-worn camera policy; important to continue discussion. Chief: Agree it's a high priority.

-- Beat analysis? Chief: Though move to 14 beats based on earnest, good-faith efforts, has resulted in some unintended consequences, including officers driving further and making more trips back to station to write reports. Looking at 16 beats as a possible solution.

-- Promotions to captain in light of Capt. Frankel retirement? Chief: Promotion will be drawn from the current captain's list. Currently, Lt. Kevin Schofield is Acting Capt. for Operations until Capt. Louis returns in a couple weeks.

8. 2015 CRIME REPORT

Acting Chief Greenwood and Capt. Frankel presented the 2015 mid-year crime report, and answered questions from Commissioners.

9. OLD BUSINESS (discussion and action)

- a. Review draft of response to City Manager's September 12, 2016 letter regarding the standard of proof used in BOI hearings.

Following discussion, this item was continued to the next meeting.

- b. Appointment of commissioner and public members to the Subcommittee on Surveillance and Community Safety Ordinance.

The Chair appointed Commissioners Yampolsky and Javier, to join Commissioners DaSilva and Bernstein on this Subcommittee.

After hearing Tracy Rosenberg and Brian Hofer speak about their experience on the subject matter and interest in serving, the Chair appointed them as public members of this subcommittee.

- c. Consideration of recommendations from General Orders C-64, etc.
Subcommittee: i) Revised General Order C-64 (Crowd Management and Control); and ii) Commander's Guide to Crowd Management and Crowd Control.

Motion to approve and forward to the BPD proposed changes to General Order C-64 as agreed upon in the Subcommittee, conditioned upon review and approval of the Commander's Guide. The Commission notes its disappointment in the Department's delay in providing them with a draft of the Commander's Guide.

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

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

Noes: Lippman

Abstain: None

Absent: None

- d. Policy regarding publication of communications from the public to the PRC.
Item postponed to the next meeting.

- e. Review of BPD marijuana enforcement report.
Item postponed to the next meeting.

- f. Outreach: consider ways to effectively reach target audience, including possible formation of subcommittee.

Motion to create an outreach committee to explore ways to effectively reach their target audience.

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

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

Noes: None

Abstain: None

Absent: None

The Chair appointed Commissioner Bernstein and Commissioner Smith to this Subcommittee, with the possibility of a third appointment if another commissioner is interested.

- g. Decide whether to accept policy complaint #2406; if accepted, decide how to proceed.

Item postponed to the next meeting.

- h. Commission's list of tasks and prioritization.

Item postponed to the next meeting.

10. NEW BUSINESS (discussion & action)

- a. Evaluation and discussion of BPD's use and reliance on CalGang database in light of recent report from the state auditor.

Item postponed to the next meeting.

- b. BPD's role in prevention of underage drinking.

Item postponed to the next meeting.

11. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS (discussion & action)

- a. General Orders C-64, etc. Subcommittee
No report.

- b. Fair & Impartial Policing Subcommittee
No report. Next meeting October 3, 2016.

- c. Mutual Aid Pacts Subcommittee
Subcommittee met this evening at 5:30 p.m.

- d. Media Credentialing Subcommittee
First meeting date to be coordinated by PRC Officer.

12. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

13. PUBLIC COMMENT

There were no speakers.

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:

14.VOTE ON WHETHER TO CONSIDER A COMPLAINT AS FILED LATE AND, IF SO, WHETHER TO ACCEPT IT

Complaint #2404

Motion to reject the complaint as a late-file because the complainant did not show good cause for filing late.

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

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

Noes: None

Abstain: None

Absent: Lippman

15.INQUIRY TO CITY MANAGER REGARDING EXCUSING A SUBJECT OFFICER FROM APPEARING AT A BOI

Motion to write a letter to the City Manager, City Council, and City Clerk; draft to be prepared by the Chair for consideration at the next meeting.

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

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

Noes: None

Abstain: None

Absent: Lippman

16.REVIEW OF CALOCA DECISION

Complaint #2380.

Item postponed to the next meeting.

End of Closed Session

17.ANNOUNCEMENT OF CLOSED SESSION VOTE

The Commission's vote to reject Complaint #2404 was announced.

18.ADJOURNMENT

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