



Police Review Commission (PRC)

**POLICE REVIEW COMMISSION**  
**REGULAR MEETING**  
**MINUTES**

**February 12, 2014**  
**7:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY CHAIRPERSON SHERMAN AT 7:05 P.M.**

Present: Chairperson Michael Sherman  
Vice Chair Alison Bernstein  
Commissioner Barbara Allen  
Commissioner John Cardoza (left 8:35 p.m.)  
Commissioner Karen Lowhurst  
Commissioner George Perezvelez (arrived 7:15 p.m.)  
Commissioner Kiran Shenoy  
Commissioner Oliver Zerrudo

Absent: Commissioner Ann Rogers

PRC Staff: Katherine J. Lee, PRC Officer, Byron Norris, PRC Investigator (left 8:00 p.m.)

BPD Staff: Chief Michael Meehan, Captain Cynthia Harris, Sergeant Katherine Smith, Lt. Randolph Files, Officer. David Bartalini

**2. PUBLIC COMMENT**

One speaker was permitted to speak.

**3. APPROVAL OF AGENDA**

The agenda was approved by consensus.

**4. PUBLIC COMMENT**

There were 10 speakers.

**5. APPROVAL OF MINUTES**

**Motion to approve minutes of January 22, 2014**

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

Ayes: Allen, Bernstein, Cardoza, Lowhurst, Perezvelez, Rogers, Shenoy, and Sherman.

Noes: None

Abstain: None

Absent: Rogers



**6. NEW BUSINESS** (discussion and action)

- a. Whether to change the times when public comment is allowed.  
Commissioner Sherman asked that this be carried over to the next meeting.
- b. Semi-annual report of marijuana enforcement activity.  
Commissioner Bernstein desired more context for these reports. Chief Meehan suggested that she submit questions to the PRC Officer for the Police Dept. to answer.
- c. Question regarding reports of use of pepper spray.  
Capt. Harris clarified that these are issued on an as-used basis and that pepper spray was not used in 2013.
- d. In relation to a finding of factual innocence.  
Commissioner Bernstein asked that this be carried over to the next meeting.

**7. OLD BUSINESS** (discussion and action)

- a. Consider inviting SEEDS Community Resolution Center to make a presentation on mediation at a Commission meeting.  
**Motion to invite a SEEDS representative to a future meeting to make a presentation on its mediation process.**  
Moved/Seconded (Bernstein/Shenoy) **Motion Carried**  
Ayes: Allen, Bernstein, Cardoza, Lowhurst, Perezvelez, Shenoy, Sherman, and Zerrudo.  
Noes: None                      Abstain: None                      Absent: Rogers
- b. Review of parliamentary procedure and public comment protocol at Commission meetings.  
Commissioner Perezvelez

**8. CHIEF OF POLICE'S REPORT**

The department is finalizing its crime numbers for 2013. They are halfway through their budget process. Currently 167 sworn officers.

**9. SUBCOMMITTEE REPORTS & RECOMMENDATIONS**

- a. Accreditation Subcommittee  
No new meetings scheduled.
- b. Drone Subcommittee  
No new meetings scheduled.
- c. Regulations Subcommittee  
Next meeting date is February 26, 2014 at 5:30 p.m. Subcommittee Chair Bernstein reported on the group's progress, and also asked that invitation to the BPD Internal Affairs staff to make a presentation be placed on the next agenda.
- d. Fair and Impartial Policing Subcommittee  
Subcommittee member Bernstein reported on the status of their work. Next meeting February 26, 2014 at 5:30 p.m..

**10. PRC OFFICER'S REPORT**

## 11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

### 12. PUBLIC COMMENT

There was one speaker.

Commissioner Cardoza left the meeting.

### Closed Session

### 13. CONSIDERATION AND VOTE ON RECOMMENDATION FOR ADMINISTRATIVE CLOSURE - Complaint #2344

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

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

Ayes: Allen, Bernstein, Lowhurst, Perezvelez, Shenoy, Sherman, and Zerrudo.

Noes: None

Abstain: None

Absent: Cardoza, Rogers

### 14. CONSIDERATION AND VOTE ON TWO OFFICERS' REQUESTS TO SCHEDULE ADDITIONAL BOI HEARING DATE - Complaint # 2327

a. **Motion to deny subject officer's request to hold another hearing date and to get confirmation from the Chief that he will appear on Feb. 19 & 20.**

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

Ayes: Allen, Bernstein, Lowhurst, Perezvelez, Shenoy, Sherman, and Zerrudo.

Noes: None

Abstain: None

Absent: Cardoza, Rogers

b. **Motion to deny witness officer's request to hold another hearing date but accommodate child care needs by excusing the officer from appearing on Feb. 19 and taking the officer's testimony first on Feb. 20.**

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

Ayes: Allen, Bernstein, Lowhurst, Perezvelez, Shenoy, Sherman, and Zerrudo.

Noes: None

Abstain: None

Absent: Cardoza, Rogers

### End of Closed Session

## 15. ANNOUNCEMENT OF VOTE RESULTS FROM CLOSED SESSION

### 16. ADJOURNMENT

**Motion to adjourn this meeting.**

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

Ayes: Allen, Bernstein, Lowhurst, Perezvelez, Shenoy, Sherman, and Zerrudo.

Noes: None

Abstain: None

Absent: Cardoza, Rogers

Meeting was adjourned at 9:05 p.m.