



Police Review Commission (PRC)

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

**Wednesday, March 13, 2013**  
7:00 P.M.

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY CHAIRPERSON SHENOY AT 7:06 P.M.**

Present: Chairperson Kiran Shenoy  
Vice Chair Ann Rogers  
Commissioner Barbara Allen  
Commissioner Marco Amaral  
Commissioner Veena Dubal  
Commissioner Michael Sherman  
Commissioner William White

Absent: Commissioners Seth Morris and George Perezvelez

PRC Staff: Lucinda Simpson, PRC Officer

BPD Staff: Captain Harris, Lieutenant Files, Sergeant Smith

BPA Rep. Officer Bartalini

**2. APPROVAL OF AGENDA**

The agenda was approved.

**3. PUBLIC COMMENT**

There were 5 public comments.

**4. APPROVAL OF MINUTES**

**Motion to approve minutes of February 27, 2013**

Moved/Seconded (Amaral/Dubal) **Motion Carried**

Ayes: Allen, Amaral, Dubal, Rogers, Shenoy, Sherman and White.

Noes: none

Abstain: Allen

Absent: Morris, Perezvelez



## 5. CHAIRPERSON'S REPORT

Considerations for this year's annual review process of Mutual Aid Pacts.

This item was briefly discussed and will be addressed further at the next regular meeting.

## 6. CHIEF OF POLICE'S REPORT

Budget, staffing, training, and crime updates.

The Department is currently staffed at 169 sworn. There are four dispatcher vacancies.

Crime has been trending downward in the past two months, particularly in property crimes.

## 7. OLD BUSINESS

Discussion/action regarding Berkeley Police Department in-custody death on 2/12/13, including possible initiation of a complaint.

### **Motion to send the following question to the City Attorney's Office regarding this matter:**

Under applicable law, may the Berkeley Police Review Commission conduct a policy investigation using incident specific information to determine how the Berkeley Police Department handled a specific event or issue, for example, a mental health crisis, so that we can recommend best practice policies and training for the future. If said policy investigation is not focused on the conduct of any named officers, but rather on the handling of an incident by BPD as an agency, can the investigation be open to the public? In order to comply with existing law and to protect the privacy interests of police officers, the Commission would ask that names of specific officers and other BPD employees be redacted from any information provided from the Department to the Commission. For example, the names could be redacted from dispatch records.

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

Ayes: Dubal, Rogers, Shenoy, Sherman and White.

Noes: Allen

Abstain: none

Absent: Amaral, Morris, Perezvelez

## 8. NEW BUSINESS

- A. Request by Commissioner Dubal to discuss possibility of changing the standard by which PRC Commissioners adjudicate over police misconduct complaints from "Clear and Convincing" to "Preponderance of the Evidence."

The matter was discussed and will be placed on the next agenda for additional consideration and possible action.

- B. Request by Commissioner Dubal to discuss complaints from members of the public and the press that BPD is not complying with the California Public Records Act in providing timely responses to request for information and possible actions.

The topic was discussed.

- C. Request by Commissioner Dubal to discuss PRC subpoena power: history, procedure, past use, and possible future use.

The topic was discussed.

## 9. SUBCOMMITTEE REPORTS & RECOMMENDATIONS

- A. Accreditation Subcommittee

Determination and announcement of next meeting date.



**End of Closed Session**

**14. ADJOURNMENT**

**Motion to adjourn this meeting.**

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

Ayes: Allen, Dubal, Rogers, Shenoy, Sherman and White.

Noes: none

Abstain: none

Absent: Amaral, Morris, Perezvelez

Commissioner Amaral departed at 8:30 p.m.

Meeting was adjourned at 9:40 p.m.

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