

POLICE REVIEW COMMISSION REGULAR MEETING <u>MINUTES</u>

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.
- 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.

- B. PRC 40th Anniversary Subcommittee
 New dates will need to be selected for the event. The next meeting will be April 10, 2013 at 6 p.m.
- C. Outreach Subcommittee The subcommittee is working on putting together a meeting with other police oversight agencies on the topic of outreach. The next meeting date will be determined.
- D. Drones Subcommittee (for review of proposed resolution from City Council on drones). The subcommittee's last meeting was productive. There will be a joint meeting on March 18th at 6 p.m. with the Peace and Justice Commission subcommittee on drones.

10. PRC OFFICER'S REPORT

There are ten open cases. One case is in mediation status and one Board of Inquiry (BOI) is scheduled for next month. Two BOIs were recently completed.

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

- A. Memorandum from Disaster and Fire Safety Commission regarding city-wide earthquake disaster exercise scheduled for April 27, 2013.
- B. Report by five residents regarding crime in Berkeley Police Beat 2 submitted by Commissioner Allen.
- C. Letter to PRC regarding parking issues at Berkeley Pines Care Center.
- D. Berkeley Police Department General Orders I-16 (Mentally Disordered Persons) and P-12 (Police-Involved Shootings and Fatal or Serious Injury Incidents), and D-2 (Detective Bureau) requested by Commissioner Perezvelez.
- E. Berkeley Police Department General Order R-23 (Release of Public Records and Information), Penal Code sections 832.5, 832.7 and 832.8, provided by Secretary.
- F. City of Berkeley Appeal Procedures for Berkeley Police Department Personnel and Caloca v. County of San Diego case requested by Commissioner Dubal.
- G. Public Records Act Request to PRC dated March 5, 2013.

Closed Session

12. CONSIDERATION AND VOTE ON RECOMMENDATION FOR ADMINISTRATIVE CLOSURE - Complaint # 2316

Motion to approve above-referenced file for administrative closure.

Moved/Seconded (Sherman/Allen) Motion Carried

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

Noes: none Abstain: none Absent: Amaral, Morris, Perezvelez

CONSIDERATIO	N AND VOTE ON RECOMM	ENDATION FOR
ADMINISTRATIV	VE CLOSURE - Complaint # 2	324
Motion to approve	above-referenced file for adm	inistrative closure.
Moved/Seconded (I	Rogers/Allen) Motion Carried	
Ayes: Allen, Dubal	, Rogers, Shenoy, Sherman and	White.
Noes: none	Abstain: none	Absent: Amaral, Morris, Perezvelez
	ADMINISTRATIV Motion to approve Moved/Seconded (H Ayes: Allen, Dubal	CONSIDERATION AND VOTE ON RECOMM ADMINISTRATIVE CLOSURE - Complaint # 2 Motion to approve above-referenced file for adm Moved/Seconded (Rogers/Allen) Motion Carried Ayes: Allen, Dubal, Rogers, Shenoy, Sherman and Noes: none Abstain: none

End of Closed Session

14. ADJOURNMENT

Motion to adjourn this meeting.Moved/Seconded (Allen/Rogers) Motion CarriedAyes: Allen, Dubal, Rogers, Shenoy, Sherman and White.Noes: noneAbstain: noneAbstain: noneAbsent: Amaral, Morris, Perezvelez

Commissioner Amaral departed at 8:30 p.m.

Meeting was adjourned at 9:40 p.m.

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