



Police Review Commission (PRC)

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

**Wednesday, March 27, 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 Seth Morris  
Commissioner Michael Sherman  
Commissioner William White

Absent: Commissioner Amaral, Dubal, Perezvelez

PRC Staff: Lucinda Simpson, PRC Officer

BPD Staff: Chief Meehan, Lieutenant Files, Sgt. Smith

BPD Rep: Officer Bartalini

**2. APPROVAL OF AGENDA**

The agenda was approved.

**3. PUBLIC COMMENT**

There were five public comments.

**4. APPROVAL OF MINUTES**

**Motion to approve minutes of March 13, 2013**

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

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

Noes: none

Abstain: none

Absent: Amaral, Dubal, Perezvelez



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

Budget, staffing, training, and crime updates.

Violent crimes are on the increase and property crimes are on the decrease.

Captain Harris just reached her 35 year anniversary with Berkeley Police Department

**6. OLD BUSINESS**

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

**Motion to open a complaint and investigation involving unknown Berkeley Police Department police officer(s) regarding the in-custody death of Kayla Xavier Moore around Feb. 12, 2013.**

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

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

Noes: none

Abstain: none

Absent: Amaral, Dubal, Perezvelez

**7. NEW BUSINESS** (discussion and/or action)

- a. Photos for stat report.

Photos were taken.

- b. Discussion and action on referral from Berkeley City Council to review Berkeley Police Department's procedures related to eye witness testimony.

**Motion to send a letter to City Council stating the Commission's previous opinion that best practices are being followed.**

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

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

Noes: none

Abstain: none

Absent: Amaral, Dubal, Perezvelez

- c. Consideration of whether to send a recommendation to the City Manager requesting meet and confer process in order to change the standard of review for Board of Inquiry hearings from "clear and convincing" to "preponderance."

By consensus, the Commission agreed that the Outreach subcommittee will look into standards of review and hearing procedures being utilized by other police review agencies in the state of California. The matter was carried over to the next meeting.

- d. Consideration of whether to hold a concurrent meeting with Peace and Justice Commission regarding City of Berkeley drone policy, including format, dates, content, presenters, and location.

**Motion to have the full commission hold a Town Hall special meeting on drones concurrent with Peace and Justice Commission on Wednesday May 1, 2013 at 6 p.m.**

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

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

Noes: none

Abstain: none

Absent: Amaral, Dubal, Perezvelez

By consensus, the Subcommittee on drones will plan the event subject to review and approval of the Commission and Chair Shenoy will review invitation letters.

- e. Consideration of whether to recommend to the Berkeley Police Department that their General Orders be made available on their website.

**Motion to recommend to the Berkeley Police Department that their General Orders and Training and Information Bulletins be made available on their website.**

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

Ayes: Allen, Morris, Perezvelez, Rogers, Shenoy, Sherman and White.

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

- f. Review and possible changes to appointments to Accreditation Sub-committee.  
By consensus, the matter was carried over until the next meeting.
- g. Determination of Mutual Aid Pact review process for 2013, including possible formation of subcommittee.  
By consensus, the matter was carried over until the next meeting.

**8. SUBCOMMITTEE REPORTS & RECOMMENDATIONS**

- A. Accreditation Subcommittee  
No discussion. Next meeting date to be determined.
- B. PRC 40<sup>th</sup> Anniversary Subcommittee  
Next meeting date to be held April 10, 2013 at 6 p.m.
- C. Outreach Subcommittee  
The next meeting date will be April 3, 2013 at 5:30 p.m.
- D. Drones Subcommittee (for review of proposed resolution from City Council on drones).  
Update from last meeting.  
The subcommittee worked on planning a Town Hall event for May 1, 2013.  
Chair Shenoy appointed Vice-Chair Rogers to the subcommittee.  
The next meeting date is April 10, 2013 at 6 p.m.

**9. PRC OFFICER'S REPORT**

There are 8 open cases. 2 new complaints were received since the last meeting, one of which is a policy complaint.

**10. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS (discussion)**

- A. City Council referral (and attachments) for review of eye witness testimony procedures.
- B. Letter dated 3/7/2013 from Nadia Kayyali, Legal Fellow, Bill of Rights Defense Committee regarding drone policy for City of Berkeley.
- C. Miscellaneous emails with links regarding drones.
- D. Email dated 3/19/13 from Bryan Westfall regarding drones.
- E. Public Records Act Response dated March 12, 2013.
- F. Public Records Act Request dated March 15, 2013.
- G. Email from Andrea Pritchett of CopWatch with link to incident on 3/13/13.
- H. Email from Captain Harris requesting Commission input on role of BPD representatives and members of the public at subcommittee meetings.
- I. Email from Captain Harris regarding 2012 public record act requests.
- J. Email to Disaster and Fire Safety Commission dated March, 20, 2013 from drones subcommittees of PRC and Peace and Justice Commissions.
- K. Email from Disaster and Fire Safety Commission Secretary to PRC dated March 20, 2013.

## 11. ADJOURNMENT

**Motion to adjourn this meeting.**

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

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

Noes: none

Abstain: none

Absent: Amaral, Dubal, Perezvelez

Meeting was adjourned at 9:50 p.m.

Is