



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(Approved)

April 8, 2015
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY VICE-CHAIR GEORGE PEREZVELEZ AT 7:07 P.M.

Present: Commissioner Benjamin Bartlett
Commissioner George Lippman
Commissioner Ann Rogers
Commissioner Michael Sherman
Commissioner Lowell Finley (*temporary assignment*)
Commissioner Willie Phillips (*temporary assignment*)

Absent: Chairperson Alison Bernstein and Commissioners Barbara Allen,
Karen Kiyo Lowhurst, Bulmaro Vicente.

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Capt. Cynthia Harris, Sgt. Joseph Okies, Sgt. Benjamin Cardoza

2. APPROVAL OF AGENDA

The PRC Officer asked that item 8.a., policy review of McKinley Avenue staging, be deferred to the April 22 meeting. With that change, the agenda was **approved** by general consent.

3. PUBLIC COMMENT

No speakers.

4. APPROVAL OF MINUTES

a. Motion to approve special meeting minutes of February 25, 2015.

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

Ayes: Bartlett, Finley, Lippman, Perezvelez, Rogers, and Sherman.

Noes: None Abstain: Phillips

Absent: Allen, Bernstein, Lowhurst, and Vicente.

b. **Motion to approve regular meeting minutes of February 25, 2015.**

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

Ayes: Bartlett, Finley, Lippman, Perezvelez, Rogers, and Sherman.

Noes: None Abstain: Phillips

Absent: Allen, Bernstein, Lowhurst, and Vicente.

c. **Motion to approve special meeting minutes of March 19, 2015.**

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

Ayes: Finley, Lippman, Perezvelez, Rogers, and Sherman.

Noes: None Abstain: Bartlett, Phillips

Absent: Allen, Bernstein, Lowhurst, and Vicente.

d. **Motion to approve regular meeting minutes of March 25, 2015.**

Moved/Seconded (Lippman/Finley) Motion **Carried**

Ayes: Bartlett, Finley, Lippman, Perezvelez, and Sherman.

Noes: None Abstain: Phillips, Rogers

Absent: Allen, Bernstein, Lowhurst, and Vicente.

5. CHAIR'S REPORT

The Vice-chair passed along the Chairperson's reminder to Commissioners to view the videos supplied by BPD.

6. CHIEF OF POLICE'S REPORT

Capt. Harris reported that the Chief is accelerating hiring with the goal of having 176 sworn officers (from 168 currently) by July. Much progress has been made on the investigation into the December protests.

7. PRC OFFICER'S REPORT

5 active individual complaints; 1 policy complaint pending; 1 individual complaint going to mediation; last individual complaint filed March 6. PRC Officer will be on vacation in 2 weeks, so PRC Investigator Norris will staff the April 22 meeting. The City Manager's Office and BPA have scheduled 3 dates for meet-and-confer over the proposed Regulation changes: April 15, April 29, and May 6.

8. OLD BUSINESS (discussion and action)

- a. Policy review of McKinley Avenue staging: report from BPD and Commission response.

(This item was tabled to the next meeting during agenda approval.)

- b. Policy investigation regarding the events of December 6, 7, and 8, 2014, and Council directive for an investigation into the events of December 6, as both are more fully identified in the regular meeting agenda of February 25, 2015: further discussion and action on how to proceed.

By general consent, the Commission will make its priority the events of December 6, to meet the Council's deadline for reporting back.

By general consent, the Commission agreed to this basic structure for the investigation:

- I. Consider use of tear gas and non-lethal munitions:
 - a) Review video from BPD and note when these are used or mentioned;
 - b) Review documents from BPD to note when mentioned;
 - c) Determine applicable guiding documents, such as General Orders or training bulletins.
- II. Consider use of baton strikes to disperse crowds:
Follow a), b), and c) as above.
- III. Determine what the findings in I. and II. show about the use of mutual aid. Use results of I., II., and III. to craft recommendations regarding changes needed.

Motion to create a subcommittee to direct and guide the process by which the PRC will conduct its investigation into the police response to the December 6 protests.

Moved/Seconded (Lippman/Phillips) Motion **Carried**

Ayes: Bartlett, Finley, Lippman, Perezvelez, Sherman, and Phillips.

Noes: Rogers Abstain: None

Absent: Allen, Bernstein, Lowhurst, and Vicente.

The Vice-chair asked Commissioners who are interested in serving on this subcommittee to inform the PRC Officer, who will inform the Chairperson so she can decide whom to appoint.

Motion to ask Chief Meehan and appropriate command staff to attend a PRC meeting for the purpose of answering questions regarding the BPD response on December 6, 7, and 8.

Friendly amendment (Rogers; accepted by Phillips): The questions are to be provided to the Chief in advance.

Moved/Seconded (Phillips/Lippman) Motion **Carried**

Ayes: Bartlett, Finley, Lippman, Perezvelez, Rogers, Sherman, and Phillips.

Noes: None Abstain: None

Absent: Allen, Bernstein, Lowhurst, and Vicente.

- c. Continue review of mutual aid practices and policies: further discussion and action.

By general consent, this topic will be incorporated into the overall investigation into the December 2014 police response.

- d. Discuss City Attorney opinion re Disclosure of BPD Internal Affairs' Records to the PRC.

By general consent, this item was tabled to the next meeting.

- e. Standing Rules for PRC: review and act on second draft.

Motion to approve the Standing Rules of Procedure as revised.

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

Ayes: Bartlett, Finley, Lippman, Perezvelez, Rogers, and Sherman.

Noes: None Abstain: Phillips
Absent: Allen, Bernstein, Lowhurst, Vicente.

- f. Marijuana enforcement report: whether to make a standing request to the BPD that they prepare a detailed report like the one they did in June 2014, that will put the figures they provide into context.

By general consent, this item was tabled to the next meeting.

9. NEW BUSINESS (discussion and action)

- a. National Public Safety Telecommunicators Week (April 12 - 18): consider whether and how to recognize BPD dispatchers.

Motion to have the PRC Officer determine how the Council recognized the dispatchers at its April 7, 2014 meeting; and either send a letter on behalf of the PRC endorsing the Council's action or issue its own proclamation, in her discretion.

Friendly amendment (Rogers; accepted by Lippman): Endorse the Council's proclamation and send a letter from the PRC informing the dispatchers that the PRC understands, through its Commission work, how valuable the dispatchers' work is.

Moved/Seconded (Lippman/Phillips) Motion **Carried**

Ayes: Bartlett, Finley, Lippman, Perezvelez, Rogers, Sherman, and Phillips.

Noes: None Abstain: None

Absent: Allen, Bernstein, Lowhurst, and Vicente.

- b. Absence of BPA representation at PRC meetings.

No action taken.

10. SUBCOMMITTEE REPORTS & RECOMMENDATIONS (discussion and action)

- a. Regulations Subcommittee
No report.
- b. Suspicious Activity Reports Subcommittee
Update. Next meeting date April 13, 2015 at 5:45 p.m.
- c. Transgender General Order Subcommittee
The subcommittee has met and will hold its next meeting at the Pacific Center.

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

12. PUBLIC COMMENT

No speakers.

13. ADJOURNMENT

By general consent, the meeting was **adjourned** at 9:35 p.m.