



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES

Wednesday, April 24, 2013
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIRPERSON SHENOY AT 7:00 P.M.

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

Absent: Commissioner Amaral and Commissioner Morris

PRC Staff: Lucinda Simpson, PRC Officer

BPD Staff: Captain Harris, Lieutenant Files, Sergeant Stines, Sergeant Smith, Officer Bartalini

City Staff: Sarah Reynoso, Assistant City Attorney

2. APPROVAL OF AGENDA

The agenda was approved. By consensus, items 7A. and 6.c. were addressed first.

3. PUBLIC COMMENT

None

4. APPROVAL OF MINUTES

Motion to approve minutes of April 10, 2013

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

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

Noes: none

Abstain: none

Absent: Amaral, Morris, White

5. CHIEF OF POLICE'S REPORT

Budget, staffing, training, and crime updates.

Berkeley Police Department is currently staffed at 170 sworn.



6. OLD BUSINESS (discussion and/or action)

- a. 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 item will be carried over until the next meeting. Commissioners from the Outreach subcommittee reported on their research into the standards for review being utilized by other agencies in California and there was discussion.

- b. Consider policy complaint concerning Berkeley Police Department’s policy regarding found property (General Order p-65).

Motion to accept the policy complaint.

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

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

Noes: none

Abstain: none

Absent: Amaral, Dubal and Morris

Motion to have the PRC Officer provide a recommendation to the Commission with a target date of June 26, 2013 to report back.

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

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

Noes: none

Abstain: none

Absent: Amaral, Dubal and Morris

- c. Review and approval of planning recommendations from Drones Subcommittee for a special concurrent meeting with Peace and Justice Commission – Town Hall on drones on May 1, 2013 at 6 p.m.

Motion to send a letter to the Chief of BPD stating that On April 24, 2014, the Police Review Commission learned that the Berkeley Police Department will not be sending a representative to our May 1st town hall on drones. As you know, the City Council sent the issue of drone policy to the Police Review, Peace and Justice, and Disaster and Fire Safety Commissions. The Peace and Justice Commission and the Police Review Commission have worked hard to put together the May 1st town hall for the larger Berkeley community. Many views will be represented, but we are dismayed to learn that the Berkeley Police Department has chosen not to be among them. Although our agenda has been carefully formulated, we encourage Police Department input and presence at the May 1st town hall on drone policy, an issue that is of critical importance locally and nationally.

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

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

Noes: Allen

Abstain: none

Absent: Amaral, Morris

- d. Consideration of whether to review BPD’s policies on the use of wraps and spit hoods and whether such policy review can be case specific as to an incident on March 13, 2013.
From: Commissioner Morris

By consensus, this matter was carried over to the next meeting because Commissioner Morris was not present.

- e. Berkeley Police Officer Association's recent survey on use of Tasers.
From: Commissioner Perezvelez

This item was discussed and was carried over to the next meeting by consensus to monitor any further developments on the matter.

- f. Clarification of the roles of BPD staff and members of the public at subcommittee meetings.
This item was discussed.

7. NEW BUSINESS (discussion and/or action)

- A. 1. City Attorney response to question posed by the Commission regarding ability to conduct incident specific policy review of 2/12/13 in-custody death case.
Assistant City Attorney Sarah Reynoso answered questions from the Commissioners.
- 2. Consideration of incident specific policy review of 2/12/13 in-custody death case.
By consensus the matter was tabled until the next meeting.
- B. Possible renewal of Outreach Subcommittee.
Motion to renew the Outreach Subcommittee.
Moved/Seconded (Perezvelez/Sherman) **Motion Carried**
Ayes: Allen, Perezvelez, Rogers, Shenoy, Sherman and White.
Noes: none Abstain: none Absent: Amaral, Dubal, Morris

8. SUBCOMMITTEE REPORTS & RECOMMENDATIONS

- A. Accreditation Subcommittee
Update from last meeting.
The subcommittee completed review of Policy 320 and 326. Further review of Policy 322 will be conducted.
The next meeting date is tentatively set for May 8, 2013 at 6 p.m.
- B. PRC 40th Anniversary Subcommittee
Determination of next meeting date.
The last meeting was canceled and the next meeting date is tentatively set for May 8, 2013 at 6 p.m.
- C. Outreach Subcommittee
Update from last meeting and determination of next meeting date.
The next meeting date is tentatively set for June 5, 2013 at 6 p.m.
- D. Drones Subcommittee (for review of proposed resolution from City Council on drones).
Update from last meeting and determination of future meeting date.
The next meeting date is tentatively scheduled for May 8, 2013 at 5 p.m.
- E. Mutual Aid Pact Subcommittee
First meeting is scheduled for May 22, 2013 at 6 p.m.

9. PRC OFFICER'S REPORT

Update status of complaints.
There are 11 open cases.

10. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached

11. ADJOURNMENT

Motion to adjourn this meeting.

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

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

Noes: none

Abstain: none

Absent: Amaral, Dubal, Morris

Meeting was adjourned at 9:15 p.m.

(Commissioner White arrived at 7:10 p.m.)

(Commissioner Dubal departed at 7:50 p.m.)

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