



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(Approved)

May 14, 2014
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY ACTING CHAIRPERSON BERNSTEIN
AT 7:00 P.M.**

Present: Acting Chair Alison Bernstein
Commissioner Barbara Allen
Commissioner Karen Lowhurst
Commissioner George Perezvelez
Commissioner Ann Rogers
Commissioner Kiran Shenoy (left 9:30 p.m.)
Commissioner Oliver Zerrudo
Commissioner Harvey Bender
(temporary appointment for Michael Sherman)

Absent: Chairperson Michael Sherman
Commissioner John Cardoza

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Michael Meehan (left approx. 8:00 p.m.), Capt. Cynthia Harris,
Capt. Andrew Greenwood, Lt. Rico Rolleri, Sgt. Katherine Smith, Ofc.
Jeffrey Shannon.

2. APPROVAL OF AGENDA

Chair Bernstein asked that the election of Vice-Chair (item #8.a.) be moved to follow item #6. PRC Officer Lee noted typographical errors in the numbering in item #9, e. and f. With those changes, the agenda was **approved** by consensus.



3. PUBLIC COMMENT

There was one speaker.

4. APPROVAL OF MINUTES

1) Commissioner Allen corrected item 6.c. of the minutes, to show that on the motions to approved amendments #3 and #6, Commissioner Perezvelez was absent.

2) PRC Officer Lee proposed a correction to the motion in item 7.a. of the minutes to reflect that the letter be signed by the PRC Chair, not the PRC Officer, and that the inquiry refer to sustained findings resulting in discipline, not just discipline imposed following a City Manager recommendation.

Motion to approve minutes of April 23, 2014, with the two corrections above.

Moved/Seconded (Shenoy/Lowhurst) **Motion Carried**

Ayes: Allen, Bernstein, Lowhurst, Perezvelez, Rogers, Shenoy, Zerrudo, and Bender.

Noes: None

Abstain: None

Absent: Sherman, Cardoza

5. RELEASE OF CONFIDENTIAL PERSONNEL INFORMATION (discussion and action)

a. Recommendation to take action affirming the Commission's commitment to the civilian oversight process, including the confidentiality of personnel records. Deputy City Manager William Rogers discussed the seriousness of the recent breach of confidentiality and the need to assure that such breaches will not again occur, to maintain the integrity of the oversight process.

1) Motion to adopt the following resolution:

The Berkeley Police Review Commission was created by the citizens of Berkeley to ensure that there is meaningful civilian oversight both in setting and reviewing police department policy and in the prompt and impartial investigation of any complaints brought against members of the Berkeley Police Department.

The confidentiality of personnel matters, including PRC proceedings, is of critical importance in insuring the dignity and fair working conditions of all city employees, including the women and men of the Berkeley Police Department.

The Commission reaffirms its understanding and commitment to maintaining the confidentiality of personnel matters in the course of PRC proceedings.

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

Ayes: Allen, Bernstein, Lowhurst, Perezvelez, Rogers, Shenoy, Zerrudo, and Bender.

Noes: None

Abstain: None

Absent: Sherman, Cardoza

2) **Motion to direct the PRC Officer to inquire with the City Attorney about the possibility of creating an ethics training as it relates to personnel matters and confidentiality.**

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

Ayes: Allen, Bernstein, Lowhurst, Perezvelez, Rogers, Shenoy, and Zerrudo

Noes: Bender Abstain: None Absent: Sherman, Cardoza

3) Commissioner Perezvelez asked that a copy of the confidentiality agreement that all Commissioners sign be furnished at the next meeting and agendized for review.

- b. Status of police officers' suspension of participation in PRC proceedings.
Deputy City Manager Rogers said that the next step will be for the City Manager to meet with the BPA.

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

The budget beginning in fiscal year 2016 and the three years after will involve increasingly large deficits. The department is currently staffed at 165 officers; a new recruitment was just posted. There's been a 10% overall reduction in crime this year. Last night was the first beat analysis community meeting; three more are scheduled. The Chief will do a presentation on the beat analysis at the PRC's May 28 meeting.

The Chief answered questions about two recent incidents, one involving high school students fighting downtown and the other involving Cal students that was videotaped.

8. **NEW BUSINESS** (discussion and action)

- a. Election of Acting Vice-Chair

Motion to elect George Perezvelez as Acting Vice-Chair

Moved/Seconded (Bernstein/Lowhurst) **Motion Carried**

Ayes: Allen, Bernstein, Lowhurst, Perezvelez, Rogers, Shenoy, Zerrudo, and Bender.

Noes: None Abstain: None Absent: Sherman, Cardoza

7. **OLD BUSINESS** (discussion and action)

- a. BPD's policy regarding referral of cases to the Alameda County District Attorney for prosecution and what, if any, written policies exist. Capt. Harris was to provide a status report, but instead introduced Capt. Greenwood and Lt. Rolleri from the Investigations Division, who gave a thorough presentation on this topic.

By consensus, the Commission heard the following presentation next.

8. NEW BUSINESS (discussion and action)

- b. Presentation by City Mental Health Staff, Chair of Mental Health Commission, and Officer in charge of BPD Crisis Intervention Team regarding responses to those having mental health crises.

Speakers were: Steven Grolnic-McClurg, Manager of the City's Mental Health Division, and Tenli Yavneh, Mental Health Program Supervisor; Ofc. Jeffrey Shannon, CIT Coordinator; and Paul Kealoha Blake, Chair of the Mental Health Commission.

7. OLD BUSINESS (discussion and action)

- b. Update on request for information from BPD regarding marijuana enforcement. Capt. Harris said this information is not available yet.

- c. Adopt proposed amendment to Regulation Section VI.D.8.

Motion to amend Regulation Section VI.D.8., which clarifies who is allowed to remain in the hearing room during a BOI, and that only subject officers are allowed to make statements.

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

Ayes: Allen, Bernstein, Lowhurst, Perezvelez, Rogers, Shenoy, and Zerrudo.

Noes: None

Abstain: Bender

Absent: Sherman, Cardoza

- d. Update on communication to City Manager regarding adoption of General Order B-4, Fair and Impartial Policing.

Motion to send the letter to the City Council for its June 3 meeting as a communication from the Acting Chair

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

Ayes: Allen, Bernstein, Lowhurst, Perezvelez, Rogers, Shenoy, and Zerrudo.

Noes: None

Abstain: Bender

Absent: Sherman, Cardoza

8. NEW BUSINESS (discussion and action)

- c. Response to City Council item regarding use of Tasers by BPD.
This item was **continued** to the next regularly scheduled meeting.

- d. Review of 2013 Statistical Report.
This item was **continued** to the next regularly scheduled meeting.

- e. Consider participation in 2014 Solano Stroll.
Motion that the PRC have a booth at the 2014 Solano Stroll.

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

Ayes: Allen, Bernstein, Lowhurst, Perezvelez, Rogers, Shenoy, Zerrudo, and Bender.

Noes: None

Abstain: Bernstein

Absent: Sherman, Cardoza

- 9. SUBCOMMITTEE REPORTS & RECOMMENDATIONS** (discussion and action)
All subcommittee reports were **continued** to the next regularly scheduled meeting.

10. PRC OFFICER'S REPORT

There are still 12 active complaints; no new complaints have been filed since April 9. The report at the next meeting will include time frames for each active complaint. The update on obtaining unredacted reports from the BPD will be continued to the next meeting. The letter to City Manager re number of sustained BOI findings that result in discipline was signed by the Acting Chair today. Chair Sherman represented the PRC at the Council Worksession on Drones on April 29.

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

No speakers.

Closed Session

13. VOTE ON STAFF RECOMMENDATION FOR ADMINISTRATIVE CLOSURE.

Complaint #2343.

Motion to approve above-referenced file for administrative closure.

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

Ayes: Allen, Bernstein, Lowhurst, Perezvelez, Rogers, and Zerrudo.

Noes: None Abstain: Bender Absent: Shenoy, Sherman, Cardoza

End of Closed Session

14. ANNOUNCEMENT OF VOTE RESULTS FROM CLOSED SESSION

The Acting Chair announced that the Commission voted to administratively close Complaint #2343, with six votes in favor, one abstention and three absent.

15. ADJOURNMENT

Motion to adjourn this meeting.

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

Ayes: Allen, Bernstein, Lowhurst, Perezvelez, Rogers, Zerrudo, and Bender.

Noes: None Abstain: None Absent: Shenoy, Sherman, Cardoza

Meeting was adjourned at 9:45 p.m.