



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(approved)

June 24, 2015
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR BERNSTEIN AT 7:07 P.M.

Present: Commissioner Benjamin Bartlett (left at 9:40 p.m.)
Commissioner Alison Bernstein
Commissioner George Lippman
Commissioner Terry Roberts
Commissioner Ann Rogers
Commissioner Michael Sherman
Commissioner Bulmaro Vicente

Absent: Commissioner George Perezvelez

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Capt. Cynthia Harris, Capt. Dave Frankel, Sgt. Benjamin Cardoza,
Sgt. David Lindenau, Ofc. Darrin Rafferty (all left at 9:00 p.m.)

2. APPROVAL OF AGENDA

The agenda was approved by general consent

3. PUBLIC COMMENT

There was one speaker.

4. APPROVAL OF MINUTES

Motion to approve minutes of Special and Regular meetings of June 10, 2015.

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

Ayes: Bernstein, Lippman, Rogers, Sherman, and Vicente.

Noes: None Abstain: Bartlett, Roberts Absent: Perezvelez

5. CHIEF OF POLICE'S REPORT

None.

6. CHAIR'S REPORT

None.

7. PRC OFFICER'S REPORT

A mediation occurred and will be brought for closure at the next meeting. A new policy complaint was filed and will be agendized for the next meeting. No new individual complaints filed since late April. The policy complaint for McKinley Avenue staging is still open; PRC Officer will check with Capt. Greenwood re status.

8. OLD BUSINESS (discussion and action)

a. 2014 Annual Report

Motion to adopt 2014 annual report with Commissioner Lippman's recommendation to state that data on ethnicity, gender, and age of complainants are self-reported.

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

Ayes: Bartlett, Bernstein, Lippman, Rogers, Sherman, and Vicente.

Noes: None

Abstain: Roberts

Absent: Perezvelez

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; and including review of mutual aid practices and policies.

i) Review and discuss event narratives.

ii) Continue steps in investigation, including policy findings and recommendations.

(The Commission voted on some of the recommendations of the Berkeley Police Department in its "Response to Civil Unrest – December 6th and 7th, 2014" report ("Report"). The BPD's recommendations appear in *italics*.)

Recommendation #1

We recommend the Department get clarity on the availability of regional radio interoperability for common encrypted radio channels to improve communications with mutual aid partners during large scale events.

Motion to replace recommendation No. 1 with the language from page 46 of the Report: "We recommend the Department investigate and determine the availability of regional radio interoperability for common tactical and recorded radio channels to improve communications with mutual aid partners during large scale events."

Moved/Seconded (Rogers/Vicente)

Motion to amend the recommendation by adding, at the end, ". . . and that the department communicate directly with EBRCs and ask for a speedy

resolution to these questions and any appropriate training that is necessary.”

Moved by Bernstein/Accepted by Rogers

Motion, as amended, Carried

Ayes: Bartlett, Bernstein, Roberts, Rogers, Sherman, and Vicente.

Noes: None Abstain: Lippman Absent: Perezvelez

Motion to approve Recommendation #2, #3, and #4 as written.

Moved/Seconded (Sherman/Bartlett)

Request by Commissioner Lippman to sever into three separate motions granted by Chair.

Recommendation #2

We recommend the Department use social media proactively before and during the event to communicate with participants. As dispersal orders are given over the loud speaker social media could be used to communicate more detailed information to the crowd.

Motion that Recommendation #2 be approved as written.

Moved/Seconded (Sherman/Bartlett)

Motion to approve Recommendation #2 with additional language, “All communications be clearly identified as coming from BPD,” and urging the City to adopt rules for BPD’s use of social media as quickly as possible.

Moved by Bernstein/Accepted by Sherman

Motion, as amended, Carried

Ayes: Bartlett, Bernstein, Roberts, Rogers, Sherman, and Vicente.

Noes: None Abstain: Lippman Absent: Perezvelez

Recommendation #3

Explore the use of BPD Negotiators to enhance communication with the crowd and crowd leadership before and throughout the event.

Motion to replace BPD’s recommendation with the following: The BPD should focus on enhancing tools for communication during the course of a demonstration to ensure it is peaceful, and that the tools include the use of BPD negotiators; the PRC urges a focus on two-way communications to facilitate peaceful demonstrations.

Moved/Seconded (Rogers/Bartlett)

Motion to amend the recommendation with additional language [see below, following Recommendation #4].

Moved by Lippman, rejected by Rogers

Substitute motion to amend the recommendation including the same additional language.

Moved/Seconded (Lippman/Vicente) **Motion Failed**

Ayes: Lippman, Vicente Noes: Bernstein, Roberts, Rogers

Abstain: Bartlett, Sherman Absent: Perezvelez

Original motion (Rogers/Bartlett) Carried

Ayes: Bartlett, Bernstein, Lippman, Roberts, Rogers, Sherman, and Vicente.

Noes: None Abstain: None Absent: Perezvelez

Recommendation #4

BPD should acquire a high quality mobile mounted public address system. This equipment would also be an asset during natural disasters.

Recommendation #4 was approved by general consent.

Motion to adopt Commissioner Lippman's language previously proposed, as a preamble to the section of recommendations regarding Communication: Police officers will seek to navigate complex and confusing crowd situations which may have mixed elements of legal and illegal, peaceful and violent behavior. Facilitation of free expression, de-escalation of tension, and peaceful resolution of conflict are primary goals of police interaction with crowds.

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

Ayes: Bartlett, Bernstein, Lippman, Roberts, Rogers, Sherman, and Vicente.

Noes: None Abstain: None Absent: Perezvelez

Recommendation #5

Tactical command decision making and responsibility should be relocated from the Department Operations Center to the field. We recommend coordination of squad movements happen in the field.

Motion to approve Recommendation #5 as written.

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

Ayes: Bartlett, Bernstein, Roberts, Rogers, Sherman, and Vicente.

Noes: None Abstain: Lippman Absent: Perezvelez

By general consent, discussion and action on Recommendation #6 and #7 was tabled until the Commission is able to consult with the BPD.

By general consent, after discussion on two motions made, amended, and withdrawn, the Commission agreed to table this item until the next meeting and that members would submit language on Recommendation #8 to the PRC Officer by next week for discussion at the July 8 meeting.

Recommendation #14

Explore technology that can improve the quality and timeliness of information available to decision makers.

Motion to replace the BPD’s recommendation with the following: Before BPD implements the use of any additional surveillance and data gathering technology, the use of that technology shall be brought to PRC and the City Council for approval.

Moved/Seconded (Lippman/Vicente) **Motion Carried**
Ayes: Bartlett, Bernstein, Lippman, Roberts, Rogers, Sherman, and Vicente.
Noes: None Abstain: None Absent: Perezvelez

- c. Participation in National Night Out (August 4, 2015)
Item tabled to next meeting.

9. SUBCOMMITTEE REPORTS & RECOMMENDATIONS (discussion and action)

- a. Accreditation Subcommittee
Consider dissolution of subcommittee.
By general consent, the Commission dissolved the subcommittee.

- b. Regulations Subcommittee
Consider dissolution or renewal of subcommittee.
Motion to renew Regulations Subcommittee

Moved/Seconded (Lippman/Rogers) **Motion Carried**
Ayes: Bartlett, Bernstein, Lippman, Roberts, Rogers, Sherman, and Vicente.
Noes: None Abstain: None Absent: Perezvelez

10. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

11. PUBLIC COMMENT

No speakers.

Closed Session

12. REVIEW OF CALOCA DECISION

The ALJ’s decision in the Caloca appeal of Complaint #2338 was discussed.

End of Closed Session

13. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Seconded (Sherman/Roberts) **Motion carried by general consent.**
Meeting was **adjourned** at 10:05 p.m. in memory of the nine people recently killed in Charleston, SC.