



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES

Wednesday, July 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 Alison Bernstein
Commissioner John Cardoza
Commissioner Seth Morris
Commissioner George Perezvelez

Absent: Michael Sherman

PRC Staff: Lucinda Simpson, PRC Officer and Byron Norris, Investigator (until 7:30 p.m.)

BPD Staff: Lieutenant Files and Sgt. Smith

BPA Staff: Officer Bartalini

2. APPROVAL OF AGENDA

The agenda was approved.

3. PUBLIC COMMENT

There were 10 public comments.



(Commissioner Cardoza recused himself from closed session item #4).

Closed Session

Pursuant to the Court's order in *Berkeley Police Association v. City of Berkeley, et al.*, Alameda County Superior Court Case No. 2002 057569, the PRC will recess into closed session to discuss and take action on the following matters:

4. DISCUSSION AND ACTION ON FORMULATION OF ALLEGATIONS FOR INVESTIGATION OPENED MARCH 27, 2013 PURSUANT TO POLICE REVIEW COMMISSION REGULATIONS II.A.3.

Complaint #2327.

Motion to finalize allegations.

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

Ayes: Allen, Bernstein, Morris, Perezvelez, Rogers, and Shenoy.

Noes: none

Abstain: none

Absent: Sherman

(Commissioner Bernstein departed the meeting at 8:15 p.m. after participating in item # 4).

(Commissioner Cardoza re-joined closed session at 8:15 p.m. after item # 4 was concluded).

5. CONSIDERATION AND ACTION ON RECOMMENDATION FOR ADMINISTRATIVE CLOSURE – Complaint # 2326.

Motion to approve above referenced file for administrative closure.

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

Ayes: Allen, Cardoza, Morris, Perezvelez, Rogers, and Shenoy.

Noes: none

Abstain: none

Absent: Sherman

End of Closed Session

(The Commission returned to open session at 8:20 p.m.)

6. ANNOUNCEMENT OF VOTE RESULTS FROM CLOSED SESSION

The Chair announced that the Commission voted 6-0 to finalize the allegations in case # 2327 in item #4 and that the Commission voted 6-0 to administratively close case # 2326 in item # 5.

7. PUBLIC COMMENT

There were 6 public comments.

8. SUBCOMMITTEE REPORTS & RECOMMENDATIONS

- a. Accreditation Subcommittee
Update / Schedule next meeting date.

The Accreditation Subcommittee plans to meet in August.

- b. PRC 40th Anniversary Subcommittee
Update / Schedule next meeting date.

This matter was discussed under item 9.e.

- c. Outreach Subcommittee
Schedule next meeting date.

The next meeting date is to be determined.

- d. Mutual Aid Pact Subcommittee
Schedule next meeting date.

The next meeting date is to be determined.

- e. Drones Subcommittee (for review of proposed resolution from City Council on drones).

- 1. Report back to full commission on subcommittee recommendation regarding the 12/18/12 City Council referral on the proposed resolution regarding drones.

The subcommittee is still working to finalize its recommendation and proposed legislative language which will likely be presented to the full commission at the September 25, 2013 meeting.

- 2. Possible dissolution of subcommittee or schedule next meeting date.

The next meeting will be held on September 12, 2013.

- f. PRC Regulations Subcommittee
Update from first meeting / Schedule next meeting date.

The PRC Regulations Subcommittee held its first meeting earlier in the evening. Commissioner Bernstein was selected to serve as Chair. The next meeting will tentatively be held September 5, 2013.

9. OLD BUSINESS (discussion and action)

- a. Consider policy complaint concerning Berkeley Police Department's policy regarding found property (General Order P-65).

The item was discussed and carried over to the next meeting.

- b. Discussion and possible action regarding the 12/18/12 City Council referral to the PRC regarding the proposed resolution drones.

The item will be placed on the September 25, 2013 agenda after the subcommittee finalizes its recommendation and proposed legislative language.

- c. Referral from the Open Government Commission Regarding April 30, 2013 City Council Meeting – regarding possible violation of Berkeley Police Department Training and Information Bulletin 209.

Motion to send Berkeley Police Department Training and Information Bulletin #209 to the Accreditation Subcommittee for review.

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

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

Noes: none Abstain: none Absent: Sherman

(Commissioner Cardoza recused himself).

- d. Participation in National Night Out Tuesday August 6, 2013.

The secretary provided contact information for the start of the event.
The Commissioners discussed that any participation will be on an individual basis.

- e. Possible changes to and/or new plans for commemoration of 40th Anniversary of PRC.

Motion to cancel event tentatively planned for September 19, 2013.

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

Ayes: Allen, Cardoza, Morris, Perezvelez, Rogers, and Shenoy.

Noes: none Abstain: none Absent: Sherman

Motion to utilize Solano Stroll event as a means to advertise the 40th Anniversary of the PRC.

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

Ayes: Allen, Cardoza, Morris, Perezvelez, Rogers, and Shenoy.

Noes: none Abstain: none Absent: Sherman

10. APPROVAL OF MINUTES

Motion to approve minutes of July 10, 2013

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

Ayes: Cardoza, Morris, Perezvelez, Rogers, and Shenoy.

Noes: none Abstain: Allen Absent: Sherman

11. PRC OFFICER'S REPORT

- a. Status of complaints.

There are 7 open complaint cases and two additional cases in mediation.

- b. Budget update.

A PRC budget update was provided for fiscal years 2014 and 2015.

- c. Report on number of meetings and hearings to date in 2013.

Thus far in 2013, the Commission has held a total of 44 meetings including regular, special, subcommittees and Boards of Inquiry.

12. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

13. ADJOURNMENT Meeting was adjourned at 9:30 p.m.

Motion to adjourn this meeting.

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

Ayes: Allen, Bernstein, Cardoza, Morris, Perezvelez, Rogers, and Shenoy.

Noes: none Abstain: none Absent: Sherman