



Police Review Commission (PRC)

**POLICE REVIEW COMMISSION**  
**SPECIAL MEETING**  
**MINUTES**  
*(approved)*

**July 29, 2015**  
**7:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY CHAIR BERNSTEIN AT 7:04 P.M.**

Present: Commissioner Benjamin Bartlett  
Commissioner Alison Bernstein (Chair)  
Commissioner George Lippman  
Commissioner George Perezvelez (Vice Chair)  
Commissioner Terry Roberts  
Commissioner Ann Rogers  
Commissioner Bulmaro Vicente

Absent: Commissioner Michael Sherman

PRC Staff: Katherine J. Lee, PRC Officer; Beneba Thomas, PRC Investigator.

BPD Staff: Chief Michael Meehan (left 7:30 p.m.), Capt. Dave Frankel, Lt. Dan Montgomery (both left 8:40 p.m.)

**2. APPROVAL OF AGENDA**

**Motion to approve the agenda.**  
Motion Carried by general consent.

**3. PUBLIC COMMENT**

No speakers.

**4. APPROVAL OF MINUTES**

**Motion to approve minutes of July 15, 2015 Special meeting.**  
Moved/Seconded (Rogers/Perezvelez) **Motion Carried by general consent**

## 5. CHIEF OF POLICE'S REPORT

Funeral tomorrow for Hayward Sgt. Scott Lunger; some BPD officers will be attending. City Manager Christine Daniel's last day is July 24; she left to be the Assistant City Administrator in Oakland. Deputy City Manager Dee Williams-Ridley has been named Interim City Manager; she appointed Gil Dong (Fire Chief) as Interim Deputy City Manager, and Avery Webb was moved from Deputy Fire Chief to Interim Fire Chief.

Capt. Greenwood is currently attending a 3-week senior police management course at Boston University. BPD held a promotional ceremony last week for Capt. Dave Frankel, Lt. Dan Montgomery, Sgt. Melanie Turner, and CSO Supervisor Sandra Phillips. This year's National Night Out has already broken records with over 90 groups signed up, compared with 58 last year.

Crime has been increasing here, consistent with trends throughout the region and nation, primarily in robberies, assaults and burglaries. He will be presenting the semi-annual crime report to City Council Sept. 15. Lots of hiring in department right now, including interviewing for a new budget manager; currently at 98% of budgeted sworn officers. Six officers are in field training and 7 more in academy. The Chief now has a Twitter account: BPDChiefMeehan.

In answering a Commissioner's question regarding the BPD's use of an armored vehicle earlier this week, the Chief said he will share the review with the PRC when it is ready. A Commissioner asked about a recent DUI checkpoint, and about a car stuck on a steep part of Marin Avenue. Regarding data collection on stops, the Chief said the contract with the Center for Policing Equity is undergoing legal review.

## 6. OLD BUSINESS (DISCUSSION AND ACTION)

- a. 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.
  - ii) Continue review and approval of, or changes to, BPD recommendations in its report of the December 6 & 7, 2014 events.

**Motion to adopt as an alternative to BPD Recommendation #12: The benefits of continuous police presence should be balanced against their possibly intimidating impact in determining whether officers should join in close proximity to a crowd.**

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

Ayes: Lippman

Noes: Bartlett, Bernstein, Perezvelez, Roberts, Rogers

Abstain: Vicente          Absent: Sherman

**Motion to adopt as an alternative to BPD Recommendation #12, that reference is made to PRC Recommendations #8 and #9 above.**

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

Ayes: Bartlett, Bernstein, Lippman, Perezvelez, Roberts, Rogers, and Vicente.  
Noes: None                      Abstain: None                      Absent: Sherman

**By general consent, the Commission agreed to table consideration of Recommendation #15 until the next meeting, when Commissioners have had a chance to read the City Council resolution on the use of helicopters.**

**Motion to prohibit the use of CS gas for crowd management/crowd control purposes.**

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

Ayes: Bernstein, Lippman, and Vicente.

Noes: Bartlett, Perezvelez, Roberts, and Rogers.

Abstain: None                      Absent: Sherman

**Motion to adopt Commissioner Perezvelez’s alternate Recommendation #18: BPD, in conjunction with the PRC, should review its policy regarding the use of CS gas and batons during crowd control and crowd management situations. Particular attention should be given to the kind of authorized baton strikes, to include the use of jabs, rakes or overhead strikes.**

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

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

Noes: None                      Abstain: None                      Absent: Sherman

**Substitute motion to add the clause, “and with the intent of putting substantial constraints on the use of CS gas in crowd control and crowd management.”**

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

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

Noes: None                      Abstain: None                      Absent: Sherman

Vote on main motion (Perezvelez/Bernstein) **Motion Carried**

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

Noes: None                      Abstain: None                      Absent: Sherman

**Motion to adopt BPD’s Recommendation #17 but with the addition “and the PRC should review the proposed new script before it becomes BPD policy.”**

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

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

Noes: None                      Abstain: None                      Absent: Sherman

- i) Discuss structure of report and workplan for completing it, including possible special meeting in August.

**By general consent the Commission agreed to set a special meeting for August 12, 2015, starting at 6:00 p.m.; structure of the investigative report will be discussed.**

- ii) Review and discuss factual findings.

**By general consent, the Commission made various changes to the staff's draft dated 7-29-2015; agreed that further comments on the factual findings should be supplied to PRC staff by a week from today; and staff to provide the next draft by Monday, August 10. At the next meeting, findings will be discussed from 6:00 p.m. – 6:30 p.m., and recommendations beginning at 6:30 p.m.**

- b. Participation in National Night Out (August 4, 2015).

Commissioners to notify PRC investigator Byron Norris if they are interested in going out together to various neighborhood groups.

## **7. CHAIR'S REPORT**

Chair would like Commissioners to think about some of the language on our website; and why, when so many people seem upset about the police, so few complaints are filed.

## **8. PRC OFFICER'S REPORT**

No new complaints filed since the last meeting. An article about citizen's academy was distributed at Commissioner Roger's request. A new General Order W-01, on the Right to Watch, was distributed; it is an update of an old Training Bulletin and now includes the right to videotape. Commissioner Perezvelez announced a new app from the ACLU that one can use to upload videotape of interactions with police. Download the app from [www.mobilejusticecalifornia.org](http://www.mobilejusticecalifornia.org).

## **9. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

### **10. PUBLIC COMMENT**

There was one speaker.

### **11. ADJOURNMENT**

**Motion to adjourn the meeting was carried by general consent.**

The meeting was adjourned at 10:00 p.m.