



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(Approved)

September 10, 2014
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR SHERMAN AT 7:05 P.M.

Present: Vice Chair Alison Bernstein
Commissioner John Cardoza
Commissioner Karen Lowhurst
Commissioner George Perezvelez (left at 8:55 p.m.)
Commissioner Ann Rogers
Commissioner Oliver Zerrudo

Absent: Commissioner Barbara Allen

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Michael Meehan, Lt. Randolph Files, Sgt. Katherine Smith, Ofc.
David Bartalini

2. APPROVAL OF AGENDA

Motion to approve agenda

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

Ayes: Bernstein, Cardoza, Lowhurst, Perezvelez, Rogers, Sherman, and Zerrudo.

Noes: None

Abstain: None

Absent: Allen

3. PUBLIC COMMENT

There were three speakers.

4. APPROVAL OF MINUTES

Motion to approve minutes of July 23, 2014

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

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

Noes: Allen

Abstain: Cardoza, Sherman

Absent: Allen

5. CHIEF OF POLICE'S REPORT

Crime: Chief Meehan will deliver the department's semi-annual crime report to the City Council on 9/16/2014; BPD and UCPD have begun safety patrols in the southside area of the City; In conjunction with Berkeley Public Health Department, BPD will conduct a Drug-Take-Back program on 9/27/14 at the South Berkeley Senior Center.

Budget: City's budget discussions for the next fiscal year will begin soon.

Staffing: Currently 167 sworn officers out of an authorized 176. Two new academies will commence in November 2014 and January 2015.

Community Outreach: BPD is planning a community training event on fair and impartial policing in November 2014; commissioners will be provided dates when determined. Chief Meehan met recently with the new principal of Berkeley High School.

Diversity: Chief Meehan expressed pride in BPD's position as the most diverse police department in the Bay Area as noted in a recent New Times article.

6. CHAIR'S REPORT (discussion and action)

Chair Sherman announced that, at the request of Commissioner Bernstein, he has cancelled the regular meeting scheduled for September 24, 2014, in consideration of the Jewish New Year that begins that evening. After polling the Commissioners about their availability on September 23, the Chair called for a special meeting on that date.

7. OLD BUSINESS (discussion and action)

- a. Discussion of possible PRC responses to jaywalking incident near UC campus involving a group of African-American youth and BPD.
 - 1) Commission responses to incident in absence of PRC complaint filing by any involved civilians.
 - 2) Commission's response to community concerns.

Motion to have the PRC Officer send a letter to Chief Meehan inquiring how an officer determines when a civilian's videotaping of a detention becomes obstructive, and request that the Chief provide his response by the first meeting in October; then, based on the Chief's response, decide whether to initiate a policy review.

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

Ayes: Bernstein, Cardoza, Lowhurst, Perezvelez, Rogers, Sherman, and Zerrudo.

Noes: None

Abstain: None

Absent: Allen

- b. Obtaining unredacted reports from the BPD
Receipt of PRC Officer's August 6, 2014 memo and attachments was acknowledged. **No action taken.**
- c. Youth outreach/Clean Slate Project
Commissioner Bernstein asked that this item be carried over to the next meeting.
- d. Solano Stroll (Sunday, September 14)
Commissioners Allen, Rogers, Perezvelez, and Sherman will staff the PRC booth.

8. NEW BUSINESS (discussion and action)

- a. Proposed changes to Regulations exempting certain categories of cases from mediation
This item was carried over to the next meeting.

9. SUBCOMMITTEE REPORTS & RECOMMENDATIONS (discussion and action)

- a. Mutual Aid Pacts Subcommittee
 - 1) Report to full commission with recommendations on Berkeley Police Department's 2014 Mutual Aid Pact Agreements.

Motion to recommend to City Council that all Mutual Aid Pacts be approved with the exception of the agreement with the Northern Calif. Regional Intelligence Center (NCRIC).

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

Ayes: Bernstein, Cardoza, Lowhurst, Perezvelez, Rogers, Sherman, and Zerrudo.
Noes: None Abstain: None Absent: Allen

Motion: Based on the practical usage and training aspects of the NCRIC accord, the PRC recommends its adoption by the City Council, and formally requests that the PRC be part of the yearly reporting and review process to ensure that the First Amendment rights of the Berkeley community continue to be protected.

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

Ayes: Bernstein, Cardoza, Lowhurst, Perezvelez, Rogers, and Sherman.
Noes: None Abstain: Zerrudo Absent: Allen

- 2) Consider dissolution of subcommittee or schedule next meeting date.

Motion to dissolve the Mutual Aid Pacts Subcommittee.

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

Ayes: Bernstein, Cardoza, Lowhurst, Perezvelez, Rogers, Sherman, and Zerrudo.
Noes: None Abstain: None Absent: Allen

- b. Accreditation Subcommittee
No new updates.
- c. Wearable Video Cameras Subcommittee
The subcommittee received invaluable information from BART and OPD representatives at its July 23 meeting, and expects to complete a report soon. The next meeting is tentatively planned for September 23, 2014.

- d. Regulations Subcommittee
The subcommittee is awaiting information from the City Attorney's Office as to the status of any meet-and-confer issues between the City and the police union.
- e. Fair and Impartial Policing Subcommittee
No new updates.

10. COMMISSIONERS' REPORTS

- a. National Night Out -- Commissioner Lowhurst
Commissioner Lowhurst said she and her daughter accompanied Capt. Greenwood to various neighborhoods, which she found quite interesting, and expressed her appreciation.
- b. Ride-along – Commissioner Rogers
Commissioner Rogers went on a ride-along with Capt. Upson, and encouraged her colleagues to participate in a ride-along to better inform themselves as commissioners and members of PRC boards of inquiries.

11. PRC OFFICER'S REPORT

Three new complaints have been filed since the commission last met. The *Caloca* appeal brief is due September 11. Notice of a Brown Act training to be conducted by the City Clerk on September 25 is attached to the agenda. The PRC Officer will be out of the office September 15 – 18, attending the National Assoc. for Civilian Oversight of Law Enforcement (NACOLE) Conference.

12. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

None.

13. PUBLIC COMMENT

There were two speakers.

Closed Session

14. VOTE ON STAFF RECOMMENDATION FOR ADMINISTRATIVE CLOSURE

Complaint #2350.

Motion to approve above-referenced file for administrative closure.

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

Ayes: Bernstein, Cardoza, Lowhurst, Rogers, Sherman, and Zerrudo.

Noes: None

Abstain: None

Absent: Allen, Perezvelez

15. VOTE ON STAFF RECOMMENDATION FOR ADMINISTRATIVE CLOSURE

Complaint #2354.

Motion to approve above-referenced file for administrative closure.

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

Ayes: Bernstein, Cardoza, Lowhurst, Rogers, Sherman, and Zerrudo

Noes: None

Abstain: None

Absent: Allen, Perezvelez

16. VOTE ON WHETHER TO ACCEPT LATE-FILED COMPLAINT

Complaint #2355.

Motion to reject late-filed complaint for lack of clear and convincing evidence that there was good cause for the delayed filing.

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

Ayes: Bernstein, Cardoza, Lowhurst, Rogers, Sherman, and Zerrudo.

Noes: None

Abstain: None

Absent: Allen, Perezvelez

End of Closed Session

17. ANNOUNCEMENT OF VOTE RESULTS FROM CLOSED SESSION

Chair Sherman announced the results of the Commission's actions in the closed session.

18. ADJOURNMENT

Motion to adjourn the meeting.

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

Ayes: Bernstein, Cardoza, Lowhurst, Rogers, Sherman, and Zerrudo.

Noes: None

Abstain: None

Absent: Allen, Perezvelez

The meeting was **adjourned** at 9:30 p.m.