



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES

Wednesday, September 11, 2013
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY VICE CHAIRPERSON ROGERS AT 7:03 P.M.

Present: Vice Chair Ann Rogers
Commissioner Barbara Allen
Commissioner John Cardoza
Commissioner Seth Morris (arrived at 7:13 p.m.)
Commissioner George Perezvelez
Commissioner Michael Sherman

Absent: Chair Kiran Shenoy and Commissioner Alison Bernstein

PRC Staff: Lucinda Simpson, PRC Officer

BPD Staff: Chief Meehan, Sgt. Smith

2. APPROVAL OF AGENDA

Motion to approve agenda

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

Ayes: Allen, Cardoza, Perezvelez, and Rogers.

Noes: none

Abstain: Sherman

Absent: Bernstein, Morris and Shenoy

3. PUBLIC COMMENT

There were three public comments.

4. APPROVAL OF MINUTES

Motion to approve minutes of July 24, 2013

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

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

Noes: none

Abstain: Sherman

Absent: Bernstein and Shenoy



5. CHIEF OF POLICE'S REPORT

Budget, staffing, training and crime updates.

The Chief will present a crime report to Council on September 17, 2013. Berkeley Police Department is currently staffed with 167 sworn. Four candidates are undergoing background checks and one additional candidate is graduating from the academy.

6. SUBCOMMITTEE REPORTS & RECOMMENDATIONS

- a. Accreditation Subcommittee
Schedule next meeting date.

The next meeting date will tentatively be set for be October 23, 2013.

- b. PRC 40th Anniversary Subcommittee
Possible dissolution of subcommittee or schedule next meeting date.

The subcommittee was resolved.

- c. Outreach Subcommittee
Schedule next meeting date.

The next meeting date is to be determined.

- d. Mutual Aid Pact Subcommittee
 1. Subcommittee's report to the full commission with recommendations on Berkeley Police Department's (BPD's) 2013 Mutual Aid Pact Agreements.

The subcommittee recommended that the Commission approve mutual aid agreements 1-4, 4-1, 4-3, and 4-4 which were new or newly revised since the last annual review, and which were included in the September 11, 2013 agenda packet.

The subcommittee will hold another meeting to finalize any further recommendations on the remaining mutual aid agreements and will report back to the PRC.

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

An effort will be made to schedule a meeting during the week of September 16th.

- e. Drones Subcommittee (for review of proposed resolution from City Council on drones).
Update / Next meeting date is September 12, 2013.
- f. PRC Regulations Subcommittee
Update / Schedule next meeting date.

The next meeting date is to be determined.

7. OLD BUSINESS (discussion and action)

- a. Mutual Aid Pact Review Process for 2013 - Discussion and Action by the Commission on review of BPD's Mutual Aid Pact Agreements.

Motion to accept the recommendation by the subcommittee to approve mutual aid agreements 1-4, 4-1, 4-3, and 4-4.

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

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

Noes: none

Abstain: none

Absent: Bernstein and Shenoy

The Commission noted that the subcommittee will continue to review and finalize any further recommendations on the remaining mutual aid agreements and will report back to the PRC prior to the PRC issuing its position in writing as to the entirety of the agreements.

- b. Address the status of Berkeley Police Department's proposed policy on fair and impartial policing.

The PRC Officer informed the Commission that a representative from the Berkeley Police Department will provide a presentation on this draft policy at the next meeting.

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

Motion to recommend to the Berkeley Police Department that General Order P-65 81 (c) be amended to state that:

If the property value is \$250 or greater, the Property Officer shall arrange for a notice of the found property to be published in a local newspaper of general circulation. The notice shall appear in at least one local newspaper for a minimum of 1 day and costs shall be paid by the finder. In addition, notice shall be published in a lost and found section of a website of general interest.

(The recommended amendments to existing General Order are underlined in the motion above).

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

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

Noes: none

Abstain: none

Absent: Bernstein and Shenoy

Motion to close policy complaint #2325.

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

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

Noes: none

Abstain: none

Absent: Bernstein and Shenoy

8. NEW BUSINESS (discussion and action)

- a. Report on National Night out activities from August 6, 2013.

Commissioner Allen participated in her neighborhood watch National Night out activities and Commissioner Perezvelez participated with Bart.

- b. Report on Solano Ave. Stroll activities from September 8, 2013.

Commissioners Allen, Morris, Rogers, Shenoy and Sherman attended the event.
PRC brochures were handed out to members of the community.

- c. Consideration of appointment of Commissioner Cardoza, including review of any potential conflict of interest policies.

From: Commissioner Morris

The matter was discussed and will be carried over to the next agenda for further discussion.

- d. Review and possible changes to Drones subcommittee appointments.

Commissioner Sherman was appointed to the Drones subcommittee.

- e. Possible dissolution of 40th Anniversary subcommittee.

Motion to dissolve 40th Anniversary subcommittee

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

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

Noes: none

Abstain: none

Absent: Bernstein and Shenoy

9. PRC OFFICER'S REPORT

Status of complaints.

There are 6 open complaint cases and two additional cases in mediation.

10. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

11. PUBLIC COMMENT

There were two public comments.

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:

1. REVIEW AND DISCUSSION OF RULING FROM CALOCA APPEAL

Complaint #2308.

This matter was reviewed and discussed.

2. REVIEW AND DISCUSSION OF RULING FROM CALOCA APPEAL

Complaint #2315.

This matter was reviewed and discussed.

3. CONSIDERATION AND ACTION ON RECOMMENDATION FOR ADMINISTRATIVE CLOSURE – Complaint #2329.

Motion to approve above-referenced file for administrative closure.

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

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

Noes: none Abstain: none Absent: Bernstein and Shenoy

4. CONSIDERATION AND ACTION ON RECOMMENDATION FOR ADMINISTRATIVE CLOSURE – Complaint #2328.

Motion to approve above-referenced file for administrative closure.

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

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

Noes: none Abstain: none Absent: Bernstein and Shenoy

End of Closed Session

12. ANNOUNCEMENT OF VOTE RESULTS FROM CLOSED SESSION

Rulings from appeals of complaint cases 2308 and 2315 were reviewed and discussed.

The Commission voted unanimously to administratively close cases 2329 and 2328.

13. ADJOURNMENT

Motion to adjourn meeting with a moment of silence in memory of those who lost their lives on 9/11 and its aftermath.

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

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

Noes: none Abstain: none Absent: Bernstein and Shenoy

Meeting was adjourned at 9:07 p.m.