



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
SPECIAL MEETING
MINUTES
(approved)

September 16, 2015
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIRPERSON BERNSTEIN AT 7:10 P.M.

Present: Commissioner Alison Bernstein (Chair)
Commissioner Jerry Javier
Commissioner George Perezvelez (Vice-Chair)
Commissioner Terry Roberts
Commissioner Ann Rogers
Commissioner Ari Yampolsky
Commissioner Paul Kealoha-Blake (*temporary appointment*)

Absent: Commissioner Benjamin Bartlett
Commissioner George Lippman
Commissioner Michael Sherman

PRC Staff: Katherine J. Lee, PRC Officer; Beneba Thomas, PRC Investigator
(arrived at 8:00)

BPD Staff: Capt. Dave Frankel, Lt. Dan Montgomery (left at 8:30)

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

3. PUBLIC COMMENT

None

4. CHIEF OF POLICE'S REPORT

None.

5. 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.
- i) Continue review and approval of or changes to BPD recommendations in its report of the December 6 & 7, 2014 events.

By general consent, the Commission corrected an error in Recommendation #22 adopted at the September 9, 2015 meeting, by inserting “a” before the phrase “radio broadcast” in the last sentence.

Motion to adopt, as an alternative to BPD Recommendation #25: To improve accountability for the deployment and use of less-lethal munitions and CS gas, the PRC recommends that BPD and mutual aid responders perform an inventory of less-lethal munitions and CS gas both before and after an incident and, whenever an officer uses less-lethal force in a crowd control situation, that officer is responsible for preparing an individual report of such use.

Moved/Seconded (Rogers/Perezvelez)

Friendly amendment #1, to substitute, for “incident,” “deployment in a crowd control situation.”

(Moved by Bernstein; Accepted by Rogers)

Friendly amendment #2, to add, at the end of the sentence, “within 72 hours.”

(Moved by Roberts; Accepted by Rogers)

Motion, as amended, Carried

Ayes: Bernstein, Javier, Kealoha-Blake, Perezvelez, Roberts, Yampolsky.

Noes: None Abstain: None Absent: Bartlett, Lippman, Sherman.

Motion to adopt, as an alternative to BPD Recommendation #31: The PRC recognizes the need for the Department to make better-informed decisions in crowd control situations. Therefore, the department needs access to real time surveillance tools. Gathering such information will require some degree of surveillance, which raises concerns regarding citizens’ privacy. We recommend that the Council make a determination of what, if any, surveillance tools should be considered for use, and then refer the matter to the PRC to obtain community input and work with the BPD to establish the appropriate guidelines for such use.

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

Ayes: Bernstein, Javier, Kealoha-Blake, Perezvelez, Roberts, Yampolsky.

Noes: None Abstain: None Absent: Bartlett, Lippman, Sherman.

Motion to adopt BPD's Recommendation #26, and add, at the end of the second sentence: "in conjunction with the PRC, and that these trainings include de-escalation tactics.

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

Ayes: Bernstein, Javier, Kealoha-Blake, Perezvelez, Roberts, Yampolsky.

Noes: None Abstain: None Absent: Bartlett, Lippman, Sherman.

Motion to adopt BPD Recommendation #27 as written.

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

Ayes: Bernstein, Javier, Kealoha-Blake, Perezvelez, Roberts, Yampolsky.

Noes: None Abstain: None Absent: Bartlett, Lippman, Sherman.

By general consent, the Commission voted to adopt the following as an alternative to Recommendation #28: The PRC should work in collaboration with BPD to develop a website and other informational materials to inform the public about the BPD's approach to protests, ground rules for them, and details of the warning and dispersal system.

Motion to adopt BPD Recommendation #32 as written.

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

Ayes: Bernstein, Javier, Kealoha-Blake, Perezvelez, Roberts, Yampolsky.

Noes: None Abstain: None Absent: Bartlett, Lippman, Sherman.

- ii) Review and approve findings.

By general consent, the Commission made a few changes to the staff's draft Findings; the next revision will be proposed for adoption at the next meeting.

- ii) Discuss remainder of report, including Discussion section, and its structure.
Staff's draft was distributed for Commissioners to review and discuss at the next meeting.

6. CHAIR'S REPORT

Chair Bernstein expressed concern that the Commission has been discussing the investigative report for 7 months and haven't had an opportunity to talk about addressing the underlying issues about interactions between the BPD and communities of color.

7. PRC OFFICER'S REPORT

The PRC Officer said she and Commissioner Roberts attended the BPD's presentation of the Mid-year Crime Report to Council on September 15. The Chair suggested that, rather than have BPD make the same presentation to the Commission that the Commissioners read the BPD's written report to Council and

agendize for the next meeting a brief discussion of any questions they want to ask the Chief about the report; and then invite the Chief to answer the questions at a subsequent meeting.

8. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

9. PUBLIC COMMENT

There were two speakers. The rules were suspended to allow for brief discussion with media present about publicizing the Commission's plan to address the BPD Recommendations regarding the media at its next meeting.

10. ADJOURNMENT

By general consent, the meeting was adjourned at 9:25 p.m.