



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(Approved)

November 12, 2014
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR MICHAEL SHERMAN AT 7:00 P.M.

Present: Vice Chair Alison Bernstein
Commissioner Barbara Allen
Commissioner John Cardoza
Commissioner Karen Lowhurst
Commissioner Ann Rogers

Absent: Commissioners George Perezvelez and Oliver Zerrudo

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Lt. Randy Files, Sgt. Katherine Smith, Ofc. David Bartalini

2. APPROVAL OF AGENDA

By consensus, Items 6.a. and 6.b. were postponed until the December meeting.

3. PUBLIC COMMENT

There were three speakers.

Commissioner Bernstein asked to agendaize for the next meeting the question of whether IA findings can be shared with Commissioners, and exploring whether BOI findings can be shared with complainants.

4. APPROVAL OF MINUTES

Motion to approve minutes of Regular Meeting of October 22, 2014.

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

Ayes: Allen, Cardoza, Lowhurst, Rogers, and Sherman.

Noes: None

Abstain: Bernstein

Absent: Perezvelez and Zerrudo

5. CHIEF OF POLICE'S REPORT

None.

6. OLD BUSINESS (discussion and action)

Both items below will be carried over to the December 10 meeting.

- a. Creation of a subcommittee to produce a General Order regarding the treatment of transgendered persons.
- b. Amend PRC Regulations to exempt certain types of cases from mediation.

7. NEW BUSINESS (discussion and action)

- a. Obtaining redacted audio evidence from BPD.

Motion to write a letter to the City Manager and City Attorney asking for their assistance in resolving disagreements regarding the withholding of audio evidence from PRC staff in the course of their investigations; specifically, what is the review procedure and who is the arbiter.

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

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

Noes: None Abstain: None Absent: Perezvelez and Zerrudo

Motion to include in the above letter that presently, the BPD does not have the capacity to redact audio recordings, and to ask that this technical deficit be addressed with all due speed.

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

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

Noes: None Abstain: None Absent: Perezvelez and Zerrudo

- b. Commendations of Berkeley Police Department employees from January through May 2014.
 - i.) The commendations attached to the packet and further action were discussed. **By consensus, the Commission agreed that Commissioners would review the commendations to identify officers that should be singled out for particularly exemplary actions at the next meeting.**
 - ii.) **By consensus, the Commission asked that, for commendations in future agendas, the PRC Officer list the commended officers in columns, alphabetically.**

- c. Proposed change to PRC Regulation Section II.A., Filing a Complaint, to make clear that II.A.4.a., Sufficiency of Complaint, does not apply to Commission-initiated complaints authorized in II.A.3., Unavailability of Complainant.

Motion to amend the Regulations to add the following language to Section 11.A.4.a.: "This Section II.A.4.a. does not apply to complaints initiated by the Commission under Section II.A.3."

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

[PRC Officer's note: Although not expressly stated in the motion, the amendment is not effective until it goes through the meet-and-confer process with the BPA.]

d. City Council's October 28, 2014 action on Mutual Aid agreements, including NCRIC accord, and referral regarding General Order N-17.

Motion to establish a subcommittee to review General Order N-17 in keeping with the Council's October 28, 2014 action, with the first order of business being to review the recording of the Council's meeting at which it took said action; and, if it is unclear, ask the Council for further guidance.

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

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

Noes: None Abstain: None Absent: Perezvelez and Zerrudo

Chair Sherman appointed himself and Commissioners Bernstein and Rogers to this new subcommittee.

e. Whether Commissioners would like to have a holiday gathering.

By consensus, the Commissioner voted to have a holiday celebration on December 3, 2014; and Commissioner Lowhurst will investigate whether Comal will be suitable.

8. SUBCOMMITTEE REPORTS & RECOMMENDATIONS (discussion and action)

a. Wearable Video Cameras Subcommittee

Subcommittee Chair Cardoza said the subcommittee held its last meeting just before this meeting and will have a proposal for the full Commission to vote on at the next meeting.

b. Regulations Subcommittee

The PRC Officer reported that she and Sgt. Chris Stines, BPA President, sat down with the proposed Regulation amendments and determined which changes each of them think are subject to the meet-and-confer process.

c. Fair and Impartial Policing Subcommittee

Subcommittee Chair Sherman and member Bernstein asked Lt. Files about the progress of the BPD's implementation of General Order B-4; he said that the BPD is close, but he did not know the exact date.

9. PRC OFFICER'S REPORT

No new complaints filed since mid-August, other than the late file. The PRC Officer, Investigator Byron Norris, and Commissioners Sherman and Bernstein will be attending a BPD-sponsored training on Fair & Impartial Policing. No news regarding the Taser study. An Auditor's Office study regarding injury prevention in the BPD is attached to today's agenda packet. PRC Officer asked if Commissioners would like a BPD presentation on reading CAD reports; the Commissioners said yes.

10. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

No announcements.

11. PUBLIC COMMENT

No speakers.

Closed Session

12. VOTE ON WHETHER TO ACCEPT LATE-FILED COMPLAINT

Complaint #2358.

Motion to table consideration of whether to accept late-filed complaint until the next meeting.

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

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

Noes: None Abstain: None Absent: Perezvelez and Zerrudo

End of Closed Session

13. ANNOUNCEMENT OF VOTE RESULTS FROM CLOSED SESSION

The Chair announced that the Commissioners voted to table the decision on the late-filed complaint until the next meeting.

14. ADJOURNMENT

Motion to adjourn the meeting.

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

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

Noes: None Abstain: None Absent: Perezvelez and Zerrudo

The meeting was **adjourned** at 9:15 p.m.