



Police Review Commission (PRC)

**POLICE REVIEW COMMISSION**  
**REGULAR MEETING**  
**MINUTES**

**Wednesday, December 11, 2013**  
7:00 P.M.

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY CHAIRPERSON SHENOY AT 7: 05 P.M.**

Present: Chairperson Kiran Shenoy  
Vice Chair Ann Rogers  
Commissioner Barbara Allen  
Commissioner Alison Bernstein  
Commissioner John Cardoza  
Commissioner Karen Kiyo Lowhurst  
Commissioner George Perezvelez  
Commissioner Michael Sherman

PRC Staff: Byron Norris, PRC Investigator

BPD Staff: Chief Michael Meehan, Captain Cynthia Harris, Sergeant Chris Stines, Sergeant Dan Montgomery, Sergeant Katherine Smith, Officer David Bartalini

**2. APPROVAL OF AGENDA**

**Motion to approve agenda with the addition of Agenda Item #7: Joint NAACP & ACLU Report on BPD's Fair and Impartial Policing Proposed Policy.**

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

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

Noes: None

Abstain: None

Absent: None

In reference to Agenda Item #6: Chair's Report, Chair Shenoy clarified that the date for elections of PRC Chair and Vice Chair is January 8, 2014.

**3. PUBLIC COMMENT**

There was one speaker.

**4. APPROVAL OF MINUTES**

**Motion to approve minutes of November 13, 2013.**

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

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

Noes: None

Abstain: Lowhurst, Perezvelez

Absent: None



**5. CHAIR’S REPORT**

Announcement of upcoming elections for PRC Chair and Vice Chair on January 8, 2014. Chair Shenoy encouraged commissioners to consider vying for the PRC leadership positions.

Karen Kiyoy Lowhurst was introduced as the newest Police Review Commissioner, appointed by City Councilmember Laurie Capitelli. Commissioner Lowhurst is an attorney and employed with the California Attorney General’s Office.

Katherine Lee was introduced as the incoming PRC Officer/Commission Secretary. Currently, Ms. Lee is a hearing officer with the Berkeley Rent Board. Ms. Lee will formally assume the position in January 2014.

**6. CHIEF OF POLICE’S REPORT**

Budget, Staffing, Training, and Crime Updates.

Overall crime rates remain flat from prior year with increases in robberies and burglaries and decreases in thefts and auto thefts; budget reductions from prior year remain in effect; staffing is at currently at 170, from an authorized level 176.

Chief Meehan informed commissioners of two departmental, special projects: (1) False alarm reduction project to reduce the frequency of false alarm/911 calls, which number several thousand annually; (2) Beat realignment project to update the two-decades old scheme.

**7. JOINT NAACP & ACLU REPORT ON BPD’S FAIR AND IMPARTIAL POLICING PROPOSED POLICY**

Presenters: Elliot Halpern, ACLU; Gladys Gray, NAACP; Mansour Id-Deen, NAACP President; George Lippman, Berkeley Peace & Justice Commission.

**8. OLD BUSINESS (For discussion and action)**

Consideration of Berkeley Police Department’s (BPD) proposed draft policy on Fair and Impartial Policing (B-4).

**Motion to establish a subcommittee to work with BPD on finalizing the language in the Fair and Impartial Policing draft policy (General Order B4), and direct the subcommittee to report back to the full commission with its recommendations on January 22, 2014.**

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

Ayes: Bernstein, Cardoza, Lowhurst, Perezvelez, Shenoy, and Sherman.

Noes: None

Abstain: Allen, Rogers

Absent: None

Commissioners Bernstein, Shenoy, and Sherman were appointed to the new subcommittee.

**9. NEW BUSINESS (For discussion and action)**

a. **Motion to approve 2014 meeting schedule.**

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

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

Noes: None

Abstain: None

Absent: None

- b. Recommendation to Berkeley City Council to honor BPD's Swat Team and its individual members on their 1st-place finish in the 2013 Urban Shield competition. (Commissioner Cardoza)

**Motion to recommend to Berkeley City Council to issue a proclamation congratulating BPD's Swat Team and its individual members on their 1<sup>st</sup>-place finish in the 2013 Urban Shield competition.**

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

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

Noes: None

Abstain: Bernstein

Absent: None

- c. Recommendation on possible dates for City Council work session on drones and designation of commission representative.

By consensus, the commission appointed Commissioner Sherman as its representative to a prospective City Council work session on drones. Additionally, Commissioner Sherman was authorized to with PRC staff regarding work session dates.

- d. Recommendation by Accreditation Subcommittee to full commission regarding its review and approval of Berkeley Police Department (BPD) Lexipol policies referenced below in Agenda Item #9e.

Accreditation Subcommittee Chair Perezvelez recommended approval of BPD Lexipol policies previously vetted by the subcommittee.

- e. Commission's consideration and vote on approval of the following BPD Lexipol policies:

**Motion that the following policies be accepted by the commission as part of the Lexipol binder in operation by BPD:**

Chapter One

Policy 100 – Law Enforcement Authority; Policy 102 – Chief Executive Officer; Policy 104 – Oath of Office; Policy 106 – Policy Manual

Chapter Two

Policy 200 – Organizational Structure and Responsibility; Policy 204 Special Order; Policy 206 Disaster Plan; Policy 208 Training Policy; Policy 212 Electronic Mail and Crime Forum; Policy 214 Administrative Communications; Policy 216 Staffing Levels; Policy 218 Concealed Weapon License; Policy 220 Retired Officer CCW Endorsements

Chapter Three

Policy 304 – Shooting Policy; Policy 306 – Leg Restraint Device; Policy 308 – Control Devices and Techniques; Policy 316 – Officer Response to Calls; Policy 320 – Domestic Violence; Policy 322 – Search and Seizure; Policy 326 – Elder Abuse; Policy 328 – Discriminatory Harassment; Policy 330 – Child Abuse Reporting; Policy 332 – Missing Person Reporting; Policy 336 – Victim Witness Assistance; Policy 338 – Hate Crimes; Policy 342 – Department Technology; Policy 346 – News Media Relations; Policy 348 – Court Appearance Subpoenas

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

Ayes: Allen, Bernstein, Cardoza, Perezvelez, Rogers, Shenoy, and Sherman.

Noes: None

Abstain: Lowhurst

Absent: None

## **10. SUBCOMMITTEE REPORTS & RECOMMENDATIONS**

### **a. Accreditation Subcommittee**

No new meetings were scheduled.

### **b. Drone Subcommittee**

No new meetings were scheduled.

### **c. PRC Regulations Subcommittee**

The next meeting will be scheduled for January 8, 2014 at 5:30 p.m.

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

### **a. Status of Complaints.**

There are 9 active complaints.

### **b. Update on costs for Caloca appeals from Board of Inquiry hearings.**

Costs associated with subject officers' appeals of Board of Inquiry Findings were \$23005.75 as of 11-27-13.

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

Attached.

## **13. PUBLIC COMMENT**

There was one speaker.

## **14. ADJOURNMENT**

**Motion to adjourn this meeting.**

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

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

Noes: None

Abstain: None

Absent: None

The meeting adjourned at 9:50 p.m.