

Police Review Commission (PRC)

**POLICE REVIEW COMMISSION
SPECIAL MEETING
AGENDA**

**May 20, 2015
7:00 P.M.**

South Berkeley Senior Center
2939 Ellis Street, Berkeley

- 1. CALL TO ORDER & ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. PUBLIC COMMENT**
(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on the agenda or any matter within the PRC's jurisdiction at this time.)
- 4. APPROVAL OF MINUTES**
Special Meeting of May 6, 2015.
- 5. PRC OFFICER'S REPORT**
Status of Complaints; announcements.
- 6. NEW BUSINESS (discussion and action)**
 - a. Accept the Agreed-Upon Changes to Regulations signed April 15, 2015.
- 7. 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) Review and discuss relevant evidence, including video evidence.
 - ii) Other discussion and action on investigation.
- 8. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**
Attached

9. PUBLIC COMMENT

(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on the agenda at this time.)

10. ADJOURNMENT

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Communication Access Information (A.R.1.12)

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Police Review Commission, located at 1947 Center Street, 3rd floor, during regular business hours.

Contact the Police Review Commission at (510) 981-4950 or prc@cityofberkeley.info.

COMMUNICATIONS FOR PRC MEETING May 20, 2015

MINUTES

May 6, 2015 Special Meeting

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COMMUNICATIONS

Communication #4400 – BPD Crowd Management Policies adopted by City Council April 28, 1992.

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Communication #1815 – Agreed Upon PRC Regulations Changes.

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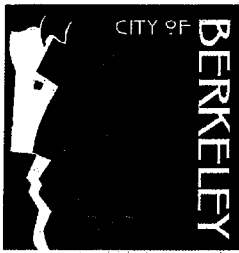
Communication #4429 – Memo to the Honorable Mayor and Members of The City Council dated May 12, 2015 re Council Referral: Stolen Vehicle Recovery.

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Communication #4193 – Announcement from the National Association for Civilian Oversight of Law Enforcement (NACOLE) re 21st Annual Conference October 4-8, 2015.

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Police Review Commission (PRC)

POLICE REVIEW COMMISSION
SPECIAL MEETING
MINUTES
(unapproved)

May 6, 2015
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY ACTING VICE-CHAIR ROGERS AT 7:08 P.M.

Present: Commissioner George Lippman
Commissioner George Perezvelez (Acting Chair) (arrived 8:38 p.m.)
Commissioner Ann Rogers (Acting Vice Chair)
Commissioner Michael Sherman
Commissioner Bulmaro Vicente
Commissioner Lowell Finley (*temporary assignment*)

Absent: Commissioners Alison Bernstein, Benjamin Bartlett

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Sgt. Dave Lindenau

2. PUBLIC COMMENT

None.

3. APPROVAL OF MINUTES

Motion to amend Policy Investigation Timeline (Attachment 2 to Regular Meeting Minutes of April 22, 2015).

Moved/Seconded (Lippman/Finley) **Motion Carried by general consent**

Motion to approve Regular Meeting minutes of April 22, 2015 as corrected.

Moved/Seconded (Finley/Vicente) **Motion Carried**

Ayes: Finley, Lippman, Rogers, Sherman, and Vicente.

Noes: None Abstain: None Absent: Bartlett, Bernstein, Perezvelez

4. CHIEF OF POLICE'S REPORT

None.

5. PRC OFFICER'S REPORT

One new complaint filed since the last Commission meeting; one BOI hearing held and one BOI scheduled but complaint dismissed for complainant's failure to appear; nine cases in active investigatory stage. announcements. Interviews conducted for temporary investigator position and hiring decision to be made by week's end. See packet for memo from City Auditor requesting audit ideas.

Commissioner Lippman's request to re-order the agenda was denied by the Vice-Chair.

6. 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) Review and discussion of relevant policies, including those of the San Francisco and Oakland Police Department.

By general consent, the Commission agreed that individual commissioners would write and send to the PRC Officer their observations about differences in BPD policies compared to those of San Francisco and Oakland, as well as any recommended changes.

ii) Other discussion and action on investigation.

By general consent, the Commission clarified their earlier direction to the PRC Officer that she should publicize a call for witness testimony both on the website and by sending the announcement to local media.

7. SUBCOMMITTEE REPORTS & RECOMMENDATIONS (discussion and action)

a. Suspicious Activity Reports Subcommittee

Proposed recommendation on revisions to General Order N-17; other updates.

Motion to adopt the recommendation of the Suspicious Activity Reporting Subcommittee to revise General Order N-17, as submitted.

Friendly amendment (Lippman, accepted by Finley): Omit the prefatory language.

Moved/Seconded (Finley/Vicente) Motion Carried

Ayes: Finley, Lippman, Rogers, Sherman, and Vicente.

Noes: None **Abstain:** None **Absent:** Bartlett, Bernstein, Perezvelez

Motion to direct PRC Officer to write a letter to the Chief of Police, with a copy to the City Manager, requesting that he provide full SARs on a quarterly basis to the PRC for review; and if the full reports cannot be disclosed, to provide the statutory, regulatory, or policy that requires withholding.

Moved/Seconded (Vicente/Rogers) Motion Carried

Ayes: Finley, Lippman, Rogers, Sherman, and Vicente.

Noes: None **Abstain:** None **Absent:** Bartlett, Bernstein, Perezvelez

8. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

None.

9. PUBLIC COMMENT

None.

10. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Seconded (Rogers/Lippman) Motion **Carried by general consent.**

Meeting was **adjourned** at 10:03 p.m.

**2. BERKELEY POLICE DEPARTMENT CROWD MANAGEMENT POLICIES
(CONTINUED FROM 4/7/92, ITEM G.(c)2)**

From: Police Review Commission

Recommendation: Adopt 12 specific recommendations regarding Berkeley Police Department crowd management policies as outlined in the report which includes a separate minority report regarding use of munitions for crowd control.

a. City Manager Report

Recommendation: Adopt proposed recommendations with necessary changes.

b. Commission on Disability

Recommendation: Reconsider support of the use of rubber, wooden, and putty bullets in crowd control situation because of the inordinate risks they pose to persons in wheelchairs and others.

c. Communications

Action: Adopted 12 recommendations as submitted by the Police Review Commission. See attachment A.

Motion:

Moved, seconded (Skinner/Shirek) to approve the Police Review Commission's recommendations Nos. 1 through 6 and No. 8, 9, 10, 11 and 12, and for Recommendation 7, approve the minority report's recommendation not to use any form of munition for crowd control.

Moved, seconded (Dean/Goldfarb) a substitute motion, to adopt all of the Police Review Commission's recommendations, including No. 7.

Councilmembers Skinner and Shirek requested severance of the vote on No. 7.

The vote on Recommendation 7 carried. (Ayes - Chandler, Collignon, Dean, Goldfarb, Wainwright, Woodworth, Hancock; Noes - Shirek, Skinner; Absent - None)

The balance of the recommendations were adopted by unanimous vote.
(Absent - None)

COMMUNICATION No. 4400

ATTACHMENT A

BERKELEY POLICE DEPARTMENT CROWD MANAGEMENT POLICIES

(Adopted April 28, 1992)

RECOMMENDATION #1:

That the Berkeley Police Department develop a policy statement regarding First Amendment rights for inclusion in the BPD Events and Crowd Control Manuals and related training materials. That BPD submit such policy statement for PRC review before final implementation.

RECOMMENDATION #2:

That BPD improve procedures for declaring and ordering dispersal of unlawful assemblies by:

- a) Obtaining and utilizing better amplified sound devices to address crowds, monitoring the audibility of dispersal orders, and recording dispersal orders wherever possible for documentation;**
- b) Providing the crowd clearer instruction as to what specific location or area is the unlawful assembly site and the route by which persons will be allowed to leave, and providing a reasonable opportunity to comply with the dispersal order;**
- c) Using all (reasonable) means to forewarn citizens in the demonstration area of these dispersal order "rules of engagement."**

RECOMMENDATION #3:

That BPD designate and train specific officers to serve as crowd liaisons at demonstrations, such officers to:

- a) Be knowledgeable of First Amendment issues, with a sole mandate to consciously look for means to balance security and public safety needs with legitimate and lawful expression of First Amendment Rights;**
- b) Be readily identifiable to the crowd and have direct access to the Field Commander as needed;**
- c) Serve as a conduit for information between the police and the crowd to improve communication during events wherever possible;**
- d) Assist in resolving problems and help identify opportunities to de-escalate confrontational situations;**

e) Be selected based on outstanding inter-personal communication abilities and trained in mediation and negotiation;

f) Be available as a resource to help identify appropriate "liaisons" among demonstrators and to initiate contact wherever possible for pre-event planning and post-event briefing.

RECOMMENDATION #4:

That officers should not be authorized to advance in skirmish lines at "double" or "triple" time except to move rapidly to secure a designated position when no direct, intervening contact with a crowd is involved. This is not to exclude arrest teams of officers from moving quickly to arrest those whose criminal conduct poses an immediate threat to the public safety.

That at all times, the police should avoid bearing down on a crowd faster than the crowd is capable of moving.

RECOMMENDATION #5:

That BPD initiate plans to study and evaluate the use of shields, high intensity lights, and barriers for crowd management and report to the Commission for its review as soon as possible.

RECOMMENDATION #6:

That BPD adopt a crowd management policy to address nonviolent civil disobedience that a) explicitly distinguishes between several categories of nonviolent demonstrators, especially those who manifest an intent to engage in nonviolent civil disobedience including the willingness to accept arrest as a consequence; b) relates authorized use of force to those categories; and c) acknowledges that alternative police responses include arrest, physical removal, and containment of resisters:

A) Categories of nonviolent demonstrators:

Category #1: "Cooperative" - those who, after having accepted arrest rather than obey a lawful order to move, cooperate with the arresting officers (e.g. stand and walk to a transport vehicle when asked to do so by an officer).

Category #2: "Nonviolent/noncooperative" - Those who are passive and neither obstruct nor assist officers in the process of arresting or removing them (e.g. those who go limp, refuse to move when asked to do so, and require that they be carried).

Category #3: "Nonviolent/resistive" - Those who, after a verbal command, are either sitting or otherwise immobilized, and actively exert themselves (e.g. by refusing to unlink arms) to resist lawful police efforts to move them.

Category #4: "Nonviolent active" - Those who are not stationary, but who are nonviolent and not engaged in aggressive behavior directed at police or others (e.g. people standing in a crowd that has been told to disperse).

B) Use of force authorization per above categories:

Category #1: No use of force should be necessary.

Category #2: No use of pain compliance holds or impact weapons (i.e. batons).

Category #3: Minimum force necessary to overcome impediments to arrest or removal of individuals. This category does not allow any use of force for the purpose of inducing movement by subject from the site. No use of impact weapons.

Category #4: Minimum force necessary to move or arrest individuals. No use of the jab baton technique or other more forceful self defense measures.

RECOMMENDATION #7:

That the City of Berkeley adopt a policy that would restrict the use of non-lethal munitions for crowd control to situations where violent criminal acts are being committed by members of a crowd which pose a clear and present danger to officers or others, and for which no reasonable non-lethal force alternative is available; and that in such instances authorized munitions would be restricted to foam rubber multiple-baton rounds discharged from gas guns, and in any event, no non-lethal munitions discharged by shotguns would be permitted.

RECOMMENDATION #8:

That BPD adopt a policy that bars the use of lines of motorcycles in Berkeley to perform security sweeps in crowd control situations; specifically, use of motorcycles as a means of force is not permitted; permissible use of motorcycles in crowd control situations is limited to transportation, establishment of stationary positions as crowd barriers, or other routine traffic or patrol responsibilities.

RECOMMENDATION #9:

That the City of Berkeley adopt the following policies with respect to deployment of all officers provided by outside (non-Berkeley) agencies in response to a Berkeley mutual aid request:

a) That the BPD take direct supervisory responsibility for all mutual aid units deployed to the maximum extent allowable by law:

b) That BPD not allow any mutual aid officer to be deployed in the field without proper identification as required under California Penal Code Section 830.10; and any BPD officer witnessing violations of this section of the Penal Code shall have an affirmative obligation to report such violations to their immediate supervisor immediately or as soon as practicable;

c) That prior to deployment in the field, BPD notify mutual aid units of significant BPD crowd management regulations and policies - especially those regarding use of force and reporting duties - and advise such units that they will be expected to comply with those

regulations and policies; and that BPD take appropriate steps to identify potential conflicts between the local regulations and policies of the outside agencies and those of the City of Berkeley, and that where possible, BPD make reasonable efforts to resolve those differences prior to deployment of those units in the field, and that where significant differences remain, BPD reserves the right to elect to not deploy those units affected.

RECOMMENDATION #10:

That the City of Berkeley urge:

a) Ongoing joint training in crowd management among all Alameda County jurisdictions;

b) Development of uniform county-wide standards regarding use of force in crowd control situations, especially regarding acceptable baton techniques. This action to be taken with the understanding that where the City of Berkeley has adopted more stringent standards, those will take precedence over county-wide standards within Berkeley.

RECOMMENDATION # 11:

That BPD adopt a policy that specifically proscribes the use of flashlights to harass or intimidate individuals in crowd control situations; such restrictions to not inhibit prudent use of flashlights for legitimate public or officer safety reasons.

RECOMMENDATION #12:

That BPD officers be issued helmets with larger numbers than currently used, so as to be more clearly visible in a crowd situation.

Agreed Upon PRC Regulations Changes

Wednesday, April 15, 2015

[BERKELEY POLICE REVIEW COMMISSION REGULATION FOR HANDLING COMPLAINTS AGAINST MEMBERS OF THE POLICE DEPARTMENT]

COMMUNICATION No. 1815

Berkeley Police Review Commission Regulation for Handling Complaints Against Members of the Police Department

Agreed Upon PRC Regulations Changes

<u>Section</u>	<u>Subsection</u>	<u>Current Page</u>	<u>Description</u>
I. General	B.2	2	<u>Aggrieved Party:</u> Any person directly affected by the alleged police misconduct. Only an aggrieved party may file a complaint, except that a complaint by an aggrieved minor must be filed by the minor's parent or guardian.
I. General	B.8	2	<u>Complainant:</u> Any aggrieved party who files a complaint with the PRC.
I. General	B.10	2	<u>Findings Report:</u> Summary of the BOI's findings, provided to the City Manager and the Chief of Police. <u>Investigation:</u> A formal process of resolving complaints.
I. General	B.11	2	<u>Mediation:</u> A process of reaching a mutually agreeable resolution to a complaint, which is facilitated by a local mediation agency.
II. Initiating the Process	A.4.a	4	Complaints must allege facts that, if true, would establish that misconduct occurred. Complaints that do not allege prima facie misconduct, or are frivolous or retaliatory shall be referred by the PRC staff to the Commission for administrative closure at the next regularly scheduled meeting, provided there is sufficient time to give the complainant notice (see Sec. IV(A)(2)), and before the Notice of Allegations is issued. If a majority of the Commissioners agree, the case will be closed; if not, the Notice of Allegations will be issued within 10 calendar days after the date of the vote rejecting the PRC Officer's recommendation for closure, unless the complainant has elected mediation.
II. Initiating the Process	A.4.b	4	Policy complaints will be brought to the Commission for discussion or action within 30 calendar days of filing or at the next regularly

**Berkeley Police Review Commission Regulation for Handling Complaints
Against Members of the Police Department**

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			scheduled meeting of the PRC if the 30 days has expired. If a majority of the Commissioners feel that a policy review is warranted, they may take appropriate action, including, but not limited to, initiating a formal investigation or establishing a subcommittee; a subcommittee, if established, will seek BPD involvement in its review of a BPD policy. Upon completion of its review, the subcommittee will present its conclusions and recommendations to the full Board.
II. Initiating the Process	B.1.a	4-5	PRC staff shall provide the complainant with information about the option to select mediation. The complainant may elect to enter into mediation up until notice of the Board of Inquiry hearing has been issued. PRC staff shall make every effort to ensure complainants understand the mediation option.
II. Initiating the Process	B.1.b	5	If the complainant elects mediation, the PRC staff shall provide the subject officer with a copy of the complaint, if not previously provided, and notify him or her of the complainant's election, within 5 business days.
II. Initiating the Process	B.1.d	5	If notice of a Board of Inquiry hearing has been issued, the hearing shall be cancelled upon both parties agreeing to mediation.
II. Initiating the Process	B.1.e	5	Once both parties agree to mediation, the complainant no longer has the option to proceed to a Board of Inquiry hearing unless the subject officer withdraws from mediation.
II. Initiating the Process	B.2	5	Conclusion Notice of completion a. Mediation may continue as long as the mediator feels that progress is being made; it may be terminated if the mediator determines that either party is acting in bad faith. If the mediator terminates the mediation because the

**Berkeley Police Review Commission Regulation for Handling Complaints
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			<p>subject officer is acting in bad faith, the complainant will be advised of his/her right to proceed with the PRC investigation and hearing. If the mediator terminates the mediation because the complainant is acting in bad faith, the PRC Officer or Investigator shall submit the complaint to the Commission for administrative closure.</p> <p>b. — If mediation is successfully concluded, the mediator will provide written notice to the PRC and the BPD within 5 calendar days of the last mediation session. The PRC will consider the matter resolved and the complaint will be submitted for administrative closure.</p>
II. Initiating the Process	B.3	5	<p>Records retention</p> <p>— Mediation records will be destroyed 1 year from the date of election by the complainant.</p> <p>After receiving notice from the mediator that a mediation has concluded, PRC staff shall close the case and inform the Commission.</p>
II. Initiating the Process	B.2	5	<p>After receiving notice from the mediator that a mediation has concluded, PRC staff shall close the case and inform the Commission.</p>
III. Complaint Investigation	A.	6	<p>Priority of Investigations</p> <p>Recognizing that the Memorandum of Understanding between the City of Berkeley and the Berkeley Police Association places a 120-day limit on the imposition of officer discipline, It shall be the priority of staff in those cases where a BOI is convened, that the BOI findings be issued within 105 days of the filing of the complaint.</p>
III. Complaint Investigation	B.1	6	<p>Within 20 business days of the date a timely-filed complaint is received at the PRC office, unless it is submitted to the Commission for administrative closure or the complainant elects mediation, the Investigator shall prepare a Notice of Allegations. The Notice of</p>

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<u>Section</u>	<u>Subsection</u>	<u>Current Page</u>	<u>Description</u>
			Allegations shall be sent in hard copy or electronically, to the complainant, the Chief of Police and/or BPD Internal Affairs, and, by delivery to the BPD, each identified subject officer. If the Notice of Allegations is not issued in the time required, the PRC Officer or Investigator shall submit the case to the Commission for administrative closure at the next regularly scheduled meeting; the complaint shall be closed, unless the Commission determines that good cause exists for the delay.
III. Complaint Investigation	C.2.b	6	If the Report of Investigation is not completed within 80 days, PRC staff shall make an oral report to the full Commission in a closed session at its next regularly scheduled meeting.
III. Complaint Investigation	D.	7	Reports BPD Reports
III. Complaint Investigation	F.2	8	Upon completion, the Report of Investigation shall be provided to subject officers, and any known representatives, with a copy to the Chief of Police and the Duty Command Officer.
VI. Boards of Inquiry	E.2	12	The BOI members shall accept court disposition of traffic or parking citations. It shall assume that uncontested citations are justified, and shall make no assumptions regarding dismissed citations.
VII. Hearings	A.1	12	BPD Schedules The Chief of Police, or his designee, shall provide PRC staff with a subject officer's schedule prior to the scheduling of a hearing. Hearings shall not be held on an officer's regular days off, scheduled vacation or any authorized leave of absence. PRC staff shall determine the complainant's and the subject officer's availability before scheduling a hearing.

**Berkeley Police Review Commission Regulation for Handling Complaints
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<u>Section</u>	<u>Subsection</u>	<u>Current Page</u>	<u>Description</u>
VII. Hearings	B.1	12-13	The BOI Hearing Packet distributed to the BOI members shall contain: <ol style="list-style-type: none"> a. The Report of Investigation referenced in Section III.F. b. Any supplemental evidence or analysis staff deems necessary. c. A copy of the complaint, if not contained in the report of investigation. d. Police reports and any other relevant documentary evidence, including evidence submitted by the complainant. e. The PRC staff's recommendations, if any, concerning summary disposition or procedural matters.
VII. Hearings	B.2	13	The BOI Hearing Packet distributed to the subject officer(s), the officer's representative, the DCO, and the Chief of Police shall contain: <ol style="list-style-type: none"> a. Any supplemental evidence or analysis staff deems necessary. b. A copy of the complaint, if not included in the Report of Investigation. c. Any evidence submitted by the complainant.
VII. Hearings	B.3	13	The BOI packet distributed to the complainant shall contain:
VII. Hearings	C.4.b	14	A continuance request shall be presented to the BOI as soon as the cause for continuance arises. Whenever possible, requests for continuance shall be considered at a specially convened meeting of the BOI. Such a meeting shall be convened in accord with existing procedures and regulations.
VII. Hearings	D.7	15	The complainant and any civilian witnesses will be called into the hearing room to testify separately; the subject officer and the officer's representative may be present during the complainant's and the civilian witnesses'

**Berkeley Police Review Commission Regulation for Handling Complaints
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			testimony. The complainant may make a statement or rely on the interview statements. Questioning will then proceed as follows: a) Commissioners may ask questions; b) the subject officer or his or her representative may ask questions; c) Commissioners may ask follow-up questions. After questioning is completed, the complainant will have up to 15 minutes to provide a summary of his/her case and/or closing statement.
VII. Hearings	D.9	15	The subject officers and any witness officers will be called into the hearing room to testify separately. Any subject officers' representative(s) will be allowed to remain in the hearing room through the duration of all testimony. Each subject officer may make a statement or choose to rely on the interview statements. The subject officer(s) will be questioned by his/her representative first, after which the officer may be questioned by 2 Board members, unless s/he waives this requirement. After questioning is completed, each subject officer will have up to 15 minutes to provide a summary of his/her case and/or closing statement. The subject officers and any witness officers will each be excused from the hearing room after his/her testimony is completed.
VII. Hearings	E.	15-16	The hearing need not be conducted according to technical rules of evidence. Any relevant evidence shall be admitted if it is the sort of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs.
VII. Hearings	E.2	16	Either party may present to the BOI evidence of the disposition of a related matter by any branch of the judiciary (including but not limited to superior court, traffic court, and small claims

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			court), and the BOI shall accept those findings as true.
VIII. Deliberation and Findings	E.2	17	Within 15 calendar days of the hearing, the PRC office shall submit a Finding Report, together with the Hearing Packet, to the City Manager and the Chief of Police, except that for late-filed complaints, the Findings Report shall be filed within 30 calendar days of the hearing.

IN WITNESS WHEREOF, City and Berkeley Police Association have executed the above agreed upon PRC Regulations changes and all revisions will be incorporated into the current PRC Regulations and effective as of the date signed below.

CITY OF BERKELEY

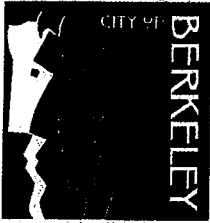
By: *Dee Williams-Budley*
City of Berkeley Deputy City Manager

Date: 4/15/15

BERKELEY POLICE ASSOCIATION

By: *[Signature]*
President of the Berkeley Police Association

Date: 4/15/15



Office of the City Manager

COMMUNICATION No. 4429

May 12, 2015

To: Honorable Mayor and Members of the City Council
From: Christine Daniel, City Manager *CD*
Subject: Council Referral: Stolen Vehicle Recovery

This memo is to provide information relating to a September 30, 2014 Consent Calendar referral from the City Council regarding reducing or eliminating fees imposed upon stolen vehicle victims.

The referral expresses concerns that a victim of auto theft may have to pay towing and storage fees associated with the recovery of their stolen vehicle, in circumstances wherein the victim could not be reached at the time of the discovery of the vehicle in the field. The concern is that the tow and storage fees place an additional a significant burden on the vehicle owner, who has already suffering due to the theft of their vehicle. As a remedy, the referral suggests the city consider "the issue of fees imposed upon stolen vehicle victims by towing companies upon the next round of contract negotiations."

When a concern about an improper or unfair tow arises, a tow hearing is conducted by the Traffic Bureau -- generally by the Traffic Bureau Sergeant.

It is staff's experience that it is a rare circumstance for the victim of a stolen vehicle to not be contacted upon the recovery of their vehicle. Typically owners are reunited with their vehicles without incurring any tow or storage fee.

In any case, the Traffic Bureau is sensitive to the plight of a community member who potentially could incur tow and storage fees. In the instance of a particular complaint or issue, the Traffic Bureau Sergeant would research the case to determine the factual circumstances. Once confirmed, the Traffic Bureau Sergeant has (and uses) the discretionary authority to have the City pay for tow and storage fees, at the City rates as specified in the tow contracts when it is in the public interest to do so. The Traffic Bureau Sergeant has on those rare occasions had the tow company bill the city, so that the vehicle owner is not charged.

Reliable systems and processes are currently in place to ensure that owners of recovered stolen vehicles are not burdened with additional tow and storage costs, and that these existing processes eliminate the need to negotiate new elements into City tow contracts in the future.

If you have any questions, please let me know.

cc: Dee Williams-Ridley, Deputy City Manager
Mark Numainville, City Clerk
Ann-Marie Hogan, City Auditor
Michael K. Meehan, Chief of Police
Matthai Chakko, Public Information Officer
Police Review Commission

2180 Milvia Street, Berkeley, CA 94704 Tel: 510.981.7000 TDD: 510.981.6903 Fax: 510.981-7099
E-mail: manager@CityofBerkeley.info

RIVERSIDE, CALIFORNIA * OCTOBER 4-8, 2015

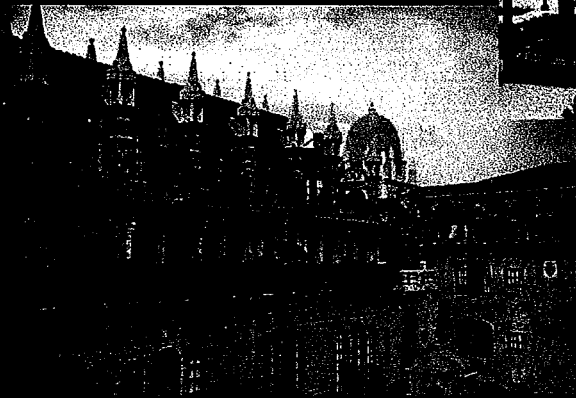
NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT
OF LAW ENFORCEMENT

21st ANNUAL CONFERENCE

Many Roads to Reform

Over the last year, issues about policing and communities, justice and the role of civilian oversight have been a major focus of a national conversation - from living rooms to city councils to the highest levels of government and everywhere in between. NACOLE has been a part of that conversation, and this fall we will bring it to Riverside, California during our 21st Annual Conference.

The growing community of civilian oversight practitioners, community members, law enforcement officials, journalists, elected officials, students and others will come together to meet and exchange information and ideas about issues facing civilian oversight of law enforcement.



**REGISTER
TODAY!**

VISIT WWW.NACOLE.ORG FOR MORE INFORMATION

NACOLE is a 501(C)3 not-for-profit national association of oversight organizations and practitioners that seek to enhance fair and professional law enforcement responsive to community needs.

COMMUNICATION No. 4193



Many Roads to Reform
21st Annual NACOLE Conference
October 4-8, 2015
Riverside, California

REGISTRATION FORM

Please check all that may apply:

- I am a member of NACOLE
- I am a member of CACOLE
- I am a member of ILEAA
- I am a New Member and/or First-Time Attendee
- I plan to attend the New Member, First-Time Attendee, and Mentor Program Gathering on Sunday, October 4, 2015

Name _____ Title _____

Organization _____ Registrant's e-mail address (REQUIRED) _____

Address _____

City, State Zip _____

Telephone _____ Fax _____

Registration Level	Fee	Sub-Total
Early Member Registration	\$450.00	
Regular Member Registration (After July 31, 2015)	\$525.00	
Early Non-Member Registration	\$500.00	
Regular Non-Member Registration (After July 31, 2015)	\$625.00	
Early Student Member Registration	\$225.00	
Regular Student Member Registration	\$250.00	
Daily Rate – Please indicate date(s):	\$200.00	
Student Member Daily Rate – Please indicate date(s):	\$75.00	
Keynote Luncheon – October 6, 2015 (with full registration)	\$0.00	
Keynote Luncheon – October 6, 2015 (with daily rate registration or guests of attendees)	\$50.00	
Annual Scholarship Fundraiser (Dinner Outing to Heroes on October 5, 2015)	\$35.00	
	TOTAL DUE	\$
	PAID	\$

Method of payment:

____ Check Check Number _____
 ____ Credit Card (Please make payment at, www.nacole.org or fill in your credit card information below.)

Card Number	Expiration Date	Security Code
Signature	Billing Zip Code	Amount Paid

Please make your check payable to NACOLE and mail to P.O. Box 87227, Tucson, AZ 85754. You may also FAX your registration to (317) 955-2899 or email it to mcellhiney@nacole.org. Please note that your registration will not be processed until all registration information and payment is received.

REFUND POLICY: NACOLE will be unable to refund any portion of your registration fees for cancellations made on or after September 4, 2015. No exceptions.

ON-SITE REGISTRATION: Although on-site registration is discouraged, it will be available beginning October 5 at 7:30 a.m. at the conference registration desk located at the Riverside Convention Center. **Membership discounts will not apply to on-site registration fees.**