

Police Review Commission (PRC)

**POLICE REVIEW COMMISSION
REGULAR MEETING
AGENDA**

**June 24, 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 and Regular meetings of June 10, 2015.
- 5. CHIEF OF POLICE'S REPORT**
- 6. CHAIR'S REPORT**
- 7. PRC OFFICER'S REPORT**
Status of Complaints; announcements.
- 8. OLD BUSINESS (discussion and action)**
 - a. 2014 Annual Report *(distributed at June 17, 2015 meeting)*
Review and comment
 - b. 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 event narratives.
 - ii) Continue steps in investigation, including policy findings and recommendations.
 - c. Participation in National Night Out (August 4, 2015)

9. SUBCOMMITTEE REPORTS & RECOMMENDATIONS (discussion and action)

- a. Accreditation Subcommittee
Consider dissolution of subcommittee.
- b. Regulations Subcommittee
Consider dissolution or renewal of subcommittee.

10. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

11. 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.)

Closed Session

12. REVIEW OF CALOCA DECISION

Complaint #2338.

End of Closed Session

13. ADJOURNMENT

Communications Disclaimer

Communications to the Police Review Commission, like all communications to Berkeley boards, commissions or committees, are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the PRC Secretary. If you do not want your contact information included in the public record, do not include that information in your communication. Please contact the PRC Secretary for further information.



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 REGULAR MEETING
June 24, 2015**

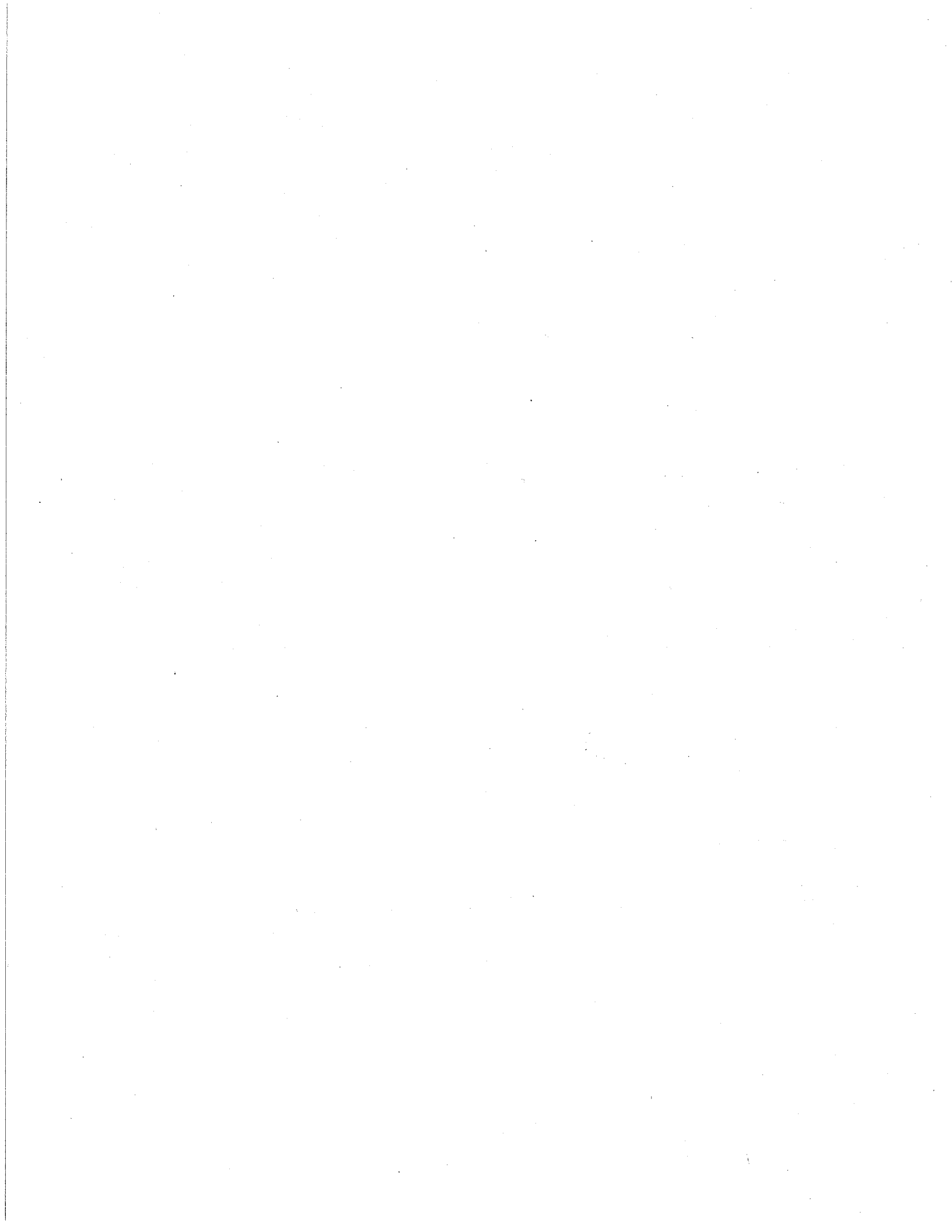
MINUTES

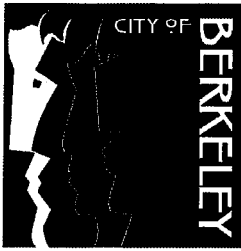
June 10, 2015 *Special* Meeting

June 10, 2015 *Regular* Meeting

COMMUNICATIONS

Communication #4392 – Letter from a citizen regarding a citation.





Police Review Commission (PRC)

**POLICE REVIEW COMMISSION
SPECIAL MEETING
MINUTES
(unapproved)**

**June 10, 2015
6:00 P.M.**

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY ACTING CHAIR PEREZVELEZ AT 6:13 P.M.

Present: Commissioner Alison Bernstein
Commissioner George Lippman
Commissioner George Perezvelez (Acting Chair)
Commissioner Ann Rogers
Commissioner Michael Sherman
Commissioner Bulmaro Vicente

Absent: Commissioner Benjamin Bartlett

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Michael Meehan, Capt. Cynthia Harris, Capt. Andy Greenwood,
Lt. Dave Frankel, Sgt. Dan Montgomery, Sgt. Benjamin Cardoza, Sgt.
Joseph Okies, Ofc. Ryan Andersen, Ofc. Darrin Rafferty

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

3. PUBLIC COMMENT

There were 11 speakers.

4. APPROVAL OF MINUTES

Motion to approve minutes of the Special Meeting of May 20, 2015, and the Regular Meeting of May 27, 2015.

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

Ayes: Bernstein, Lippman, Perezvelez, Rogers, Sherman, and Vicente.

Noes: None

Abstain: None

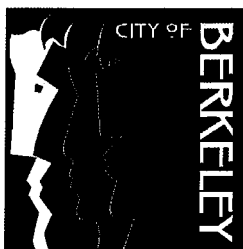
Absent: Bartlett

5. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Seconded (Bernstein/Rogers) **Motion carried by general consent.**

Meeting was **adjourned** at 7:00 p.m.



Police Review Commission (PRC)

**POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(unapproved)**

**June 10, 2015
7:00 P.M.**

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY ACTING CHAIR PEREZVELEZ AT 7:00 P.M.

Present: Commissioner Alison Bernstein
Commissioner George Lippman
Commissioner George Perezvelez (Acting Chair)
Commissioner Ann Rogers
Commissioner Michael Sherman
Commissioner Bulmaro Vicente

Absent: Commissioner Benjamin Bartlett

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Michael Meehan, Capt. Cynthia Harris, Capt. Andy Greenwood, Lt. Dave Frankel, Sgt. Dan Montgomery, Sgt. Benjamin Cardoza, Sgt. Joseph Okies, Ofc. Ryan Andersen, Ofc. Darrin Rafferty

(This meeting served as a continuation of the Special Meeting immediately preceding, so, having addressed: 2. Approval of Agenda, 3. Public Comment, and 4. Approval of Minutes, during the Special Meeting, the Regular Meeting continued as follows.)

5. CHAIR'S REPORT

The Acting Chair asked Commissioners to hold all questions, and asked the audience to remain quiet during the BPD's presentation of their report.

6. PRC OFFICER'S REPORT

No change in status of complaints since the last meeting. Background check for temporary investigator candidate still in process. At Commission's request, PRC Officer will go ahead and post a call for witness testimony to December 2014 events on the PRC website.

7. PRESENTATION BY CHIEF OF POLICE

-- Police Department post-incident review of events of December 2014.

Chief Meehan acknowledged members of his department who worked on the post-incident review, and gave a broad overview of the report. He estimated the presentation would take about two hours.

Motion to request that the Chief shorten the presentation to one hour.

Moved (Lippman) **Motion failed for lack of a second.**

BPD staff presented their post-incident review using Powerpoint slides, photos, and videos.

-- Questions from Commissioners.

Commissioners took turns commenting on and asking questions about the information they had just received.

8. 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.

Discuss next steps in investigation.

By general consent the Commissioners agreed that they would submit further questions to the Chief in writing via the PRC Officer, and that they would identify and discuss policy recommendations at their next meeting.

9. PUBLIC COMMENT

There were eight speakers.

10. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Seconded (Bernstein/Rogers) **Motion carried by general consent.**

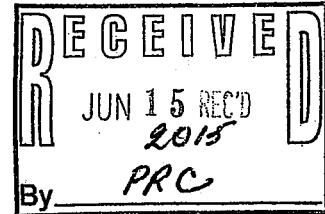
Meeting was **adjourned** at 10:33 p.m.

June 10, 2015

Michael Meehan
 Chief of Police
 City of Berkeley
 2180 Milvia Street
 Berkeley, CA 94704

Tesfaye W. Tsadik
 1736 Franklin Street, 10th Floor
 Oakland, CA 94612
 Telephone (510) 839-3922

Re: *Citation # 155474*
Location: Hopkins at Gilman



Dear Chief M Meehan;

I am writing this letter to complaint and get a response regarding your officers "erroneous" completion of the Notice to Appear Form. I was stopped allegedly for failure to stop at a stop sign, at Hopkins and Gilman, at around 8:00 a.m. on Sunday morning, May 31, 20015. After I returned home that day, I noticed that on the Notice to Appear Form, on the Race column the officer entered "O", which I believe stand for "Others- neither black nor white. I am offended and insulted by this designation. The citation is attached as Exhibit "A". I am black and not "others' No one who looks at me would designate me anything else other than black. This immediately prompted in my mind why would a well trained officer would make such a blatant "mistake".

I understand that the Notice to Appear Form, where the governmental authorities collect the race of citizens the police encounter may be useful statistical information for policies related to law enforcement. In fact, I have heard or read statistical information that suggest police officers disprportionatley stop (arrest) blacks for minor traffic infractions. Correctly collected information may provide some useful information to train and, if necessary, to reign on bad officers. If the data collected is tampered or improperly gathered, the information loses it reliability/credibility except for those who cook the numbers to prove their point.

The question still remains why this particular officer made this obvious "mistake". I assume, at the minimum, your officers are trained on know how to fill out this form and are familiar with various racial categories. I hate to entertain the notion that this may be a deliberate policy and practice of the police department/city of Berkeley to rig the statistics regarding the demographic of their traffic citations and that the officer is merely faithfully implementing such policy.

Looking forward to hearing from you.

Sincerely,

Tesfaye W. Tsadik
 Tesfaye w. Tsadik

cc: City Manager
 Police Review Commission

Berkeley Police Department
NOTICE TO APPEAR

155474

Misdemeanor
 Traffic Non-traffic

1 Date of violation: 7/21/88 Time: 8:00 AM Day of Week: PM SMTWTFS Case No. 155474
 Owner's Responsibility (Veh. Code, § 40001)

2 Name (First, Middle, Last): [Handwritten Name]

3 Address: [Handwritten Address]

4 City: [Handwritten City] State: [Handwritten State] ZIP Code: [Handwritten ZIP]

5 Driver Lic. No.: [Handwritten No.] State: [Handwritten State] Age: [Handwritten Age] Birth Date: [Handwritten Date] Juvenile (Phone No.): [Handwritten No.]

6 Sex: [Handwritten] Hair: [Handwritten] Eyes: [Handwritten] Height: [Handwritten] Weight: [Handwritten] Race: [Handwritten] Other Description: [Handwritten]

7 Veh. Lic. No. or VIN: [Handwritten] State: [Handwritten] COMMERCIAL VEHICLE (Veh. Code, § 15210(b))

8 Yr. of Veh. Make: [Handwritten] Model: [Handwritten] Body Style: [Handwritten] Color: [Handwritten] HAZARDOUS MATERIAL (Veh. Code, § 353)

9 Evidence of Financial Responsibility: [Handwritten] Same as Driver

10 Registered Owner or Lessee: [Handwritten] Same as Driver

11 Address: [Handwritten] Same as Driver

12 City: [Handwritten] State: [Handwritten] ZIP Code: [Handwritten]

| Correctable Violation (Veh. Code, § 40610) | | Description | <input type="checkbox"/> Booking Required | Misdemeanor or Infraction (Circle) |
|--|-------------------------------------|------------------|---|------------------------------------|
| Yes | No | Code and Section | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | C-2 2742 | | M-I |
| <input type="checkbox"/> | <input type="checkbox"/> | | | M-I |
| <input type="checkbox"/> | <input type="checkbox"/> | | | M-I |
| <input type="checkbox"/> | <input type="checkbox"/> | | | M-I |

17 Speed Approx. [Handwritten] P.F./Max. Spd. [Handwritten] Veh. Limit Safe [Handwritten] Radar [Handwritten] Continuation Form Issued [Handwritten]

18 Location of Violation(s): [Handwritten] W [Handwritten] E [Handwritten]

19 Comments (Weather, Road & Traffic Conditions): [Handwritten] Collision [Handwritten]

20 Violations not committed in my presence, declared on information and belief

21 I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

22 Arresting or Citing Officer: [Handwritten] Serial No: [Handwritten] Days Off: [Handwritten]

Date: [Handwritten] Name of Arresting Officer, if different from citing Officer: [Handwritten]

23 **WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW**
 X Signature: [Handwritten Signature]

24 WHEN CONTACT COURT CLERK AFTER 30 DAYS BUT NO LATER THAN [Handwritten Date] AM/PM

25 WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE

26 Where: Superior Court of California, Alameda County
 Criminal Wiley W. Manuel Courthouse 661 Washington St. Oakland, CA 94607 510-627-4702
 Oakland Traffic Court Clerk Wiley W. Manuel Courthouse 661 Washington St. First Floor Oakland, CA 94607 510-627-4701

27 To Be Notified. You may arrange with the clerk to appear at a night session of the court. DEFENDANT COPY. SEE REVERSE. TR-130

Judicial Council of California Form Rev. 11/07 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600, Pen Code, § 853.9)

Exhibit "A"