

Police Review Commission: December 8, 1999 Summary

1. ROLL CALL : 7:35 PM

Commissioners Present: Bennett, Mar, Martynn, Ritchie Sanchez-Resnik, Taylor, White, Zellman

Commissioners Absent: DeBose

PRC Staff: Barbara Attard

BPD Representative: Capt. Phelps, Sgt. Gordon

2. PUBLIC COMMENT

None

3. MINUTES OF THE NOVEMBER 10, 1999 MEETING

Taylor/Sanchez-Resnik (Moved/Seconded), Passed to approve minutes of November 10, 1999 meeting with Martynn and Ritchie abstaining.

4. PRC OFFICER'S REPORT

- a) New Filings—Several since last meeting, approximately 58 to date.
- b) Boards of Inquiry—Harris case to be heard 12/27/99
- c) Late Filing PRC Case #1792 Filed by Mr. Christopher Warren (For Discussion or Action)
Martynn/Sanchez-Resnik (Moved/Seconded), declined to accept case for late filing, passed with Taylor abstaining.
- d) Commissioner Stipend Requests for 4th Quarter 1999 Due--Reminder

5. BPD CHIEF'S REPORT

Commissioner Martynn asked whether Chief Butler has PRC findings before he makes decisions on misconduct cases referred by the PRC. Captain Phelps explained the hearing process regarding Internal Affairs cases. If the PRC case is heard before the IA board hears the case, the Chief may have access to the PRC report and findings. It was requested that the General Orders for Internal Affairs be placed in the packet for the next PRC meeting and that "PRC/IA decisions" be placed on the agenda.

6. COMMITTEE REPORTS (For Discussion or Action)

--Transgender Task Force (TTF) Recommendations

Zellman/Martynn (Moved/Seconded), motion to reopen public comment to allow James Green of the Transgender Task Force to speak on this issue. Mr. Green discussed the Task Force Recommendations and the draft training bulletin that he authored. He stressed the importance of training to give the human contact necessary to understand the issues. **Zellman/Ritchie (Moved/Seconded), motion to close public comment.**

Martynn/Taylor (Moved/Seconded), motion to accept the TTF recommendations and add a fifth recommendation that the City Council send a letter to POST asking that they include transgender as part of reimbursable cultural awareness training. (Action Item)

Commissioner Zellman stated that she realized during her research for this task force that there was very little training in the cultural awareness training on gay/lesbian/bisexual issues. Commissioner Zellman asked whether training on gay/lesbian/bisexual issues were covered through POST. Barbara Attard stated that she would research the question.

Commissioner Mar requested information about which officers would be required to participate in this training. The recommendation is that the transgender and gay/lesbian/bisexual training would be included in "advanced officer" training that is required of all officers.

--Drug Task Force Update

Commissioner Ritchie stated that the drug task force that he is a member of may have a hearing with the aim of changing drug treatment procedures. They are also planning to make recommendations to change state law regarding drugs to enable these changes.

7. OLD BUSINESS (For Discussion or Action)

a) Governor Davis's Veto of SB 78, "Driving While Black/Brown" Bill PRC Public Hearing Update

Barbara Attard stated that she attended a racial profiling forum presented by NOBLE—The National Organization of Black Law Enforcement Executives. At the forum she spoke with John Burris, who expressed interest in participating in the PRC forum. Captain Ron Davis of Oakland PD and the regional vice president of NOBLE has agreed to speak, as has Michelle Alexander of the S.F. ACLU. Barbara Attard will be speaking with Chief Butler and Van Jones of Bay Area Police Watch. Several political figures including Governor Davis, Congresswoman Barbara Lee, Senator Kevin Murray, Supervisor Keith Carson have been contacted to participate as well. We will be doing a press release and contacting KPFA and other media outlets.

b) War on Weapons

Barbara Attard contacted three police departments—Baltimore, Maryland, Louisville, Kentucky, and Minneapolis, Minnesota to request information on their weapons programs as requested by the Commission. Lt. Kelly Jones from Louisville responded that they track weapons with the assistance of the ATF. Commissioner Martynn asked that Barbara Attard look into this program.

Martynn/Taylor (Moved/Seconded) asking that the City Council establish a policy that BPD destroy all BPD weapons no longer in use, rather than selling or exchanging them. (Motion withdrawn pending receiving information regarding national legislation on this subject.) To be placed on the agenda for the next PRC meeting.

c) PRC/Internal Affairs Statistics

Commissioner Martynn discussed concerns about the impact of sustained PRC cases-- particularly in light of Internal Affairs (IA) statistics that show that a large percentage of PRC cases referred to IA are

not sustained by Chief Butler. Concerns were also expressed about the fact that many IA cases are decided before the PRC findings are disseminated. Barbara Attard stated that these issues are being discussed with the City Manager. She will report back to the Commission any further information gleaned on the subject.

8. NEW BUSINESS (For Discussion or Action)

a) The Pete Wilson Juvenile Crime Initiative

White/Ritchie (Moved/Seconded), Passed unanimously to ask the Berkeley City Council to pass a resolution and request that the City Council take a position in opposition to Proposition 21 coming up on the March Ballot. **There was discussion regarding the Commission's concerns about the impact of the bill that is referred to as the "Gang Violence and Youth Crime Prevention" initiative, i.e. the costs and impact of increased incarceration of youth and incarceration of youth in adult jails and prisons.**

b) Consideration of Possible New Spay/Neuter Ordinance—Implications for BPD/PRC

Commissioner Ritchie expressed his interest in this issue, particularly the impact of BPD enforcing the ordinance. At this time the details of the proposal have not been finalized. Commissioner Ritchie asked for more information on the plan.

9. COMMUNICATIONS

A letter from Chris Daly of CAPER was discussed asking that an item be placed on the agenda for a future meeting to discuss the role of CAPER representatives. Commissioner Zellman requested that the item be placed on the agenda for the January 8, 2000 meeting.

Commissioner Martynn discussed several communications in the packet. Barbara Attard was asked to check on some publications of the National Police Accountability Project.

10. COMMISSION TO ADJOURN INTO EXECUTIVE SESSION TO DISCUSS LITIGATION (if necessary)

11. ADJOURNMENT

Taylor/Zellman (Moved/Seconded), Passed unanimously to adjourn the meeting at 10:15 p.m.