

**Police Review Commission:**  
**Wednesday, January 26, 2000, 6:30 p.m.**  
McGee Avenue Baptist Church, 1640 Stuart St.

**Summary**

**1. ROLL CALL: 6:35 PM**

Commissioners Present: Bennett, DeBose, Mar (7:30 PM), Martynn, Ritchie, Sanchez-Resnik, Taylor, White (6:50 PM), Zellman

PRC Staff: Barbara Attard, Theophus Reagans, Gwen Aaron

BPD Personnel: Lt. deLatour, Sgt. Ahearn, Sgt. Gordon

**2. PUBLIC COMMENT**

Comments were heard from Rick Young of CAPR. He suggested that officers disseminate PRC information after contact with member(s) of the public. He also recommended that the use of force reporting rules be reviewed to possibly increase reporting requirements.

**3. MINUTES OF THE JANUARY 12, 2000 MEETING**

**DeBose/Taylor (Moved/Seconded) to approve the 1/12/00 minutes. Passed unanimously.**

**4. PRC OFFICER'S REPORT**

- a) New Filings—Three since last meeting
- b) Boards of Inquiry—Upcoming boards were discussed
- c) Administrative Closure PRC Case #1797--Complainants Cullen and Long

**DeBose/Taylor (Moved/Seconded) To approve administrative closure of allegations in Complaint #1797 against Sgt. Haupt and Officer Cobert. Passed Unanimously.** Both officers no longer employees of BPD.

- d) Update on BAPON Meeting

Commissioners Sanchez-Resnik, Taylor, White and Zellman and Barbara Attard attended the meeting. The next meeting will be San Jose on April 14. Civilian oversight agencies from Southern California will be invited. Several of those in attendance were interested in the Commission/Council action on Proposition 21.

**5. BPD CHIEF'S REPORT--None.**

Commissioner Martynn asked to see copies of the "Men in Black" cards disseminated by the Special Enforcement Unit.

**6. COMMITTEE REPORTS (For Discussion or Action)**

--Transgender Task Force Recommendation—Will go before the City Council 2/8

--Drug Task Force Update--None

## 7. NEW BUSINESS (For Discussion or Action)

Berkeley High School Issue of Students Transported in Police Vans

**DeBose/Ritchie (Moved/Seconded) To request staff to invite to a future Commission meeting students from BHS, and staff members from BPD and Berkeley High School who deal with truancy policy to discuss the incident. Also staff was asked to send a letter to the BHS Jacket to inform students of the upcoming PRC item.**

## 8. COMMUNICATIONS

Election of PRC officers to take place at the first meeting in March, 3/8/00.

Item regarding Oakland Citizen's Police Review Board (CPRB) appointments to be placed on the agenda for the next meeting.

Commissioner Martynn asked about guns registered in Berkeley. This issue will be pursued and an update will be given to the Commission at the next meeting.

### **PUBLIC FORUM 7:30 PM**

## 9. OLD BUSINESS (For Discussion or Action)

PRC Public Forum held on Governor Davis' Veto of SB 78, "Driving While Black/Brown" Bill and What Can be Done about Racial Profiling in the Wake of the Veto

Reverend Wilson welcomed the Commission and the panelists to the forum.

Chair Bennett announced that Senator Murray reintroduced DWB legislation—this time as SB 1389. The ACLU informed the PRC that 94 cities are now voluntarily tracking stops.

Chair Bennett introduced the Commission, elected and government officials, and Miranda Wilson of KKSF, the emcee for the evening.

### **Some Highlights of the Panel Discussion:**

**Michelle Alexander**—Northern California ACLU—Discussed the ACLU's work in this field and the importance of continuing to organize to protect our constitutional rights. She stated that the ACLU has received 2000 calls on its DWB hotline. She made the point that people of color are searched more often after being stopped than whites. It is important that statistics collected include this information.

She announced a demonstration protesting Governor Davis' veto of SB 78 on April 26, 2000 in Sacramento. The ACLU will provide a bus for groups that organize 40 people to go to the demonstration.

**Chief Dash Butler, Berkeley Police Department**—A strong supporter of data collection, emphasized that data collection is only the first step. The larger issue is that police departments must look introspectively and determine if there is a problem, and, if so, they must determine what must be done to correct the problem. Alameda County police chiefs have all agreed to collect data on stops. BPD has been collecting data since August, and will begin reporting on the data in March, 2000.

**Captain Ron Davis, Oakland Police Department**—Stated that denying that there is racial profiling is wrong and counter-productive. Racial profiling is probably the single most hate crime against the African American community. He has been stopped for no reason, and as an African American police officer he has engaged in the practice. While he does not believe that the practice is intentional, admitting that there is a problem is the first step in correcting it.

**John Burris, Esq., Author of Blue vs. Black**—Stated that the emotional stress and rage that build because of inappropriate stops causes tensions between minority communities and the police and actually can place officers in jeopardy of minorities overreacting during stops. It is an important step that this is being recognized as a problem nationally. He believes that profiling is a complex issue, but stressed that the community does have the power to make improvements if people work constructively with their police departments to make a change.

**Dr. Marcos Contreras, League of United Latin American Citizens (LULAC)**—LULAC is working with the ACLU on this issue. The Latin American community also suffers from this practice and they are actively working on the issue because they do not want to be ignored. Dr. Contreras has been inappropriately stopped himself. He stressed that it is important that people keep Governor Davis informed that profiling has a negative impact on the community and causes an atmosphere of distrust.

**Van Jones, Ella Baker Center, Bay Area Police Watch.** Did not attend.

#### **Elected Officials and Government Representatives:**

**Carol Russo, Community Relations Service, US Department of Justice**—Office resulted from the 1964 Civil Rights Act. Mandate is to deal with race relations through mediation and facilitation to assist the community.

**Councilperson Margaret Breland, Berkeley City Council**—She thanked the BPD, BPA, and PRC for doing a good job. She urged the community to be involved to correct any problems. She is also concerned about Proposition 21 and is working to defeat it.

**Tamblyn Bright, Representing Mayor Dean (Who is out of state)**—Mayor Dean asked that Chief Butler be recognized for voluntarily collecting the statistics. Ms. Bright stated that it is important that attitudes toward race issues should be revisited and evaluated regularly. It is her hope that Governor Davis will change his mind.

**Alameda County Supervisor Keith Carson**—Mr. Carson applauded the panelists for their work in the field. He spoke of the fear reason that African Americans have of being stopped for no apparent. He stated that he has been stopped in Oakland, Berkeley, and Richmond. He is concerned about these violations of his constitutional rights and stressed that freedom for everyone is jeopardized when the rights of minorities are violated by public servants who are supposed to be protecting them.

**Public Comments were from:**

**Excell McGinnis**—Stated his past positions working in local city governments. He discussed protections provided by law that are being violated. Thanked people for dealing with the issues.

**Boona Cheema, BOSS**—Stated that many people who do not have cars are also discriminated against, particularly homeless people and youth.

Barbara Z. Macnab, BARK, ACLU—Any time members of the community are being discriminated against it is a problem for the entire community. BARK ACLU welcomes new members who want to work on these issues.

**Aaron Cleuis, McGee Avenue Baptist Church**—Discussed the importance of getting youth involved in the process.

**Billy Smith**—Thanked the panelists and expressed his concerns about the issues.

**Don Casimere, Sacramento Office of Police Accountability**—He is a former resident of Berkeley, a former Berkeley police officer, and now a civilian oversight professional. Stated that Sacramento will be collecting data on motorists stopped. It is important that members of the community forge a partnership with enlightened police officials to overcome the problems.

**Lydia Victaurre, Chair of the Human Relations Commission in San Joaquin County**—

She traveled from Stockton for the forum. Her commission has worked on hate crime issues and has dealt with many of the same issues that were discussed. She stated that it is important to allow anger to be a spark to get involved in working on issues, but it is also important to get beyond anger and find solutions. Minorities need to be heard at the polls as well.

**Arno**—He is concerned about police accountability and the fact that freedom is not a reality for many minorities.

**Rev. D. Mark Wilson, Faith Community, McGee Avenue Baptist Church**—He thanked the panelists and will be taking the information from the forum to the Council of Churches. It is important that people respond in the time of crisis, but it is also important that the work continue. He has also been the victim of racial profiling, even by an African American officer. It is important that people of all races look at their biases and prejudices.

**Vincent McDowell, resident of San Jose**—Stated that after getting a new car he was inappropriately stopped by the police during his first hour of driving the vehicle and five times in the first three weeks that he had the car. One officer told him that if he hadn't done anything wrong that he had nothing to worry about; however unwarranted stops affect minorities very profoundly.

Judge Rice, former corrections officer OPD, member of PUEBLO—He stressed that even if the DWB bill is passed, people must be vigilant.

**Commission Response:**

**Commissioner Martynn** discussed some issues of disparate treatment that have come before the

PRC. Stressed the importance of bringing issues to the PRC.

**Zellman/Taylor (Moved/Seconded) Ask the Berkeley City Council to take a position in support of SB 1389, Senator Murray's DWB legislation. Passed unanimously.** Commissioner Zellman asked the PRC staff to look into whether the PRC can organize people to participate in the ACLU April 26 Sacramento demonstration.

**Chair Bennett thanked Reverend Wilson and McGee Avenue Baptist Church, all participants in the forum, PRC staff, and members of the PRC for their work on the forum.**

10. ADJOURNMENT

**Zellman/Sanchez-Resnik (Moved/Seconded) To adjourn at 9:35 PM. Passed unanimously.**