



Police Review Commission

**ACTION MINUTES OF THE REGULAR MEETING OF
THE BERKELEY POLICE REVIEW COMMISSION**

**North Berkeley Senior Center
1901 Hearst Street
Berkeley, California**

**Date: Wed. February 23, 2000
Time: 7:30 PM**

ROLLCALL:

7:35 PM

Commissioners Present: Bennett, DeBose (7:45), Mar, Martynn, Ritchie,
White, Zellman (7:40), Ritchie, Taylor

Commissioners Absent: Sanchez- Resnik (Excused)

PRC Staff: Barbara Attard

BPD Personnel: Lt. Flemming, Sgt. Gordon

1. PUBLIC COMMENT None

2. MINUTES OF THE FEBRUARY 9, 2000 MEETING

**Mar/Martynn (Moved/Seconded) to approve the February 9, 2000 meeting minutes. Passed
unanimously with Taylor/Ritchie abstaining.**

3. PRC OFFICER'S REPORT

a) New Filings—None since last meeting

b) Boards of Inquiry



Upcoming Boards of Inquiry were discussed. Scheduled for:
2/29—Complainant Honarmand #1798, Commissioners DeBose, Ritchie, White
3/9—Complainants Grousbeck & Weeks #1745, Commissioners White, Martynn,
3/13—Complainant Frazier #1799, Commissioners Taylor, White
3/15—Complainant Mostafavi #1788, Commissioners Taylor, Martynn and Zellman
3/20—Complainant Meggs #1785, Commissioners Zellman, Ritchie, Bennett

c) Administrative Closure of PRC Case #1795 filed by Hayden Jacobsen

Ritchie/DeBose (Moved/Seconded) to approve administrative closure.

Mr. Jacobsen failed to follow through with his complaint.

d) Late Filing PRC Case #1806 filed by Patricia Gibson

Ritchie/Mar (Moved/Seconded) to accept late-filed case. Passed unanimously.

Concerns were raised about complainant Gibson not being informed about the PRC when she filed her claim with the City Attorney. **Taylor/DeBose (Moved/Seconded) to send a communication to the City Attorney with a cc to the City Manager and the City Council noting that the complainant was not informed of the PRC and that this caused a late filing. Passed unanimously.**

Mar/DeBose (Moved/Seconded) to send a communication to the City Council quoting the PRC regulations and requesting the City Council direct the City Manager to inform all city departments that when informed of police complaints they are required to forward the complaint to the PRC. Passed unanimously.

4. BPD CHIEF'S REPORT--None

5. COMMITTEE REPORTS (For Discussion or Action)

--Community Outreach Subcommittee--None

--Transgender Task Force Recommendation—Council Action From 2/22/00

No money was allotted for training during the 2/22/00 City Council Meeting.

Sgt. Kelley Gordon has been appointed to be the Lesbian/Gay/Bisexual/Transgender liaison to the community for BPD. Barbara Attard and members of the Transgender Task Force will be working with Sgt. Gordon and Assistant Chief Meisner to help define the position.

--Drug Task Force Update—None

6. NEW BUSINESS (For Discussion or Action)

a) NACOLE Meeting—9/26-9/29/2000

The meeting was discussed briefly to inform commissioners who were not present at the last meeting. The meeting will be in Kauai, not Maui, as previously reported.

- b) BPD Invitation to the PRC to Have a Commissioner Observe the Interview Process of the Barricaded Subject Hostage Negotiation Team—Dates changed to 3/16 and 3/17

Commissioners Mar and White will attend 3/16 and 3/17 respectively.

7. OLD BUSINESS (For Discussion or Action)

- a) Governor Davis's Veto of SB 78, "Driving While Black/Brown" Bill
Council Consent Item for Feb. 22, 2000—Follow up

This item was passed on the consent calendar.

- b) War on Weapons—Update on Research; Council Action Item for Feb. 22, 2000—Follow up

Council passed the item regarding destruction of BPD obsolete weapons as part of the consent calendar. Commissioner Martynn noted that the City Council recently passed a resolution regarding handguns and expressed interest in supporting the Council on this issue.

- c) PRC/Internal Affairs (IA) Statistics

There was a lengthy discussion about the PRC/IA process and the efficacy of PRC findings. Barbara Attard stated to the Commission that the City Manager is in the process of determining how the City should respond to the *CALOCA* decision, a San Diego case regarding due process rights of police officers who have had a civilian oversight body sustain allegations against them. She described the range of options as: setting up a post-PRC hearing structure; shielding the officer's career from PRC findings; fighting the *CALOCA* decision.

Commissioners requested that a representative from the City Manager's office come to a PRC meeting to discuss the process, particularly the practice of the City Manager responding to PRC findings.

- d) Proposed Alternate Payment Plan for PRC Commissioners

Alternate payment plans for commissioners were discussed. There was no consensus regarding the hourly or monthly rate to raise commissioner stipends. This item was carried over to the next meeting.

- e) New BPD Orders and Regulations—Briefly discussed.

8. COMMUNICATIONS

Statement of Interests form—Due April 1

Spay/Neuter Item from February 8 City Council Meeting

Barbara Attard will update the commission if this legislation appears that it will have a serious enforcement impact on BPD.

10. COMMISSION TO ADJOURN INTO EXECUTIVE SESSION TO DISCUSS LITIGATION

11. ADJOURNMENT

DeBose/Ritchie (Moved/Seconded) to adjourn the meeting at approximately 9:30 PM. Passed unanimously.