



Police Review Commission

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

**South Berkeley Senior Center
2939 Ellis Street
Berkeley, California**

**Date: Wed. March 8, 2000
Time: 7:30 p.m.**

1. ROLL CALL: 7:35 PM
- Commissioners Present: Bennett, DeBose, Mar, Martynn, Ritchie, Taylor, White, Zellman,
- Commissioners Absent: Sanchez- Resnik (Excused)
- PRC Staff: Barbara Attard
- BPD Personnel: Capt. Phelps, Capt. Miller, Sgt. Ahearn, Officers Franckel and Rafferty

2. PUBLIC COMMENT

Julian Frederick of the BARK ACLU asked that the BPD General Order R-29 "Field Interviews" be placed on the agenda for an upcoming meeting to discuss the field interview practice. Commissioner Martynn asked that R-29, and Training and Information Bulletins 114 "Ramey/Steagald Warrant" and 115 "Citizen's Arrest" be placed on the agenda for the next PRC meeting.

3. MINUTES OF THE FEBRUARY 23, 2000 MEETING

DeBose/Taylor (Moved/Seconded) to approve the 2/23/00 minutes. Passed unanimously.

4. PRC OFFICER'S REPORT

- a) New Filings—4 Since last meeting.
- b) Boards of Inquiry—Upcoming Boards of Inquiry were discussed:
3/13—Case # 1799--Commissioners Taylor, White and DeBose



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3/15—Case # 1788--Commissioners Taylor, Martynn , Zellman

3/20—Case # 1785--Commissioners Zellman, Ritchie, Bennett

3/29—Case # 1745--Commissioners White, Martynn, Mar

c) Administrative Closure PRC Complaint #1800 filed by Elizabeth Baketa

Complainant Baketa has not followed through on her complaint and has not responded to interview requests from Investigator Reagans. **DeBose/Ritchie (Moved/Seconded) to approve administrative closure request. Passed unanimously.**

5. BPD CHIEF'S REPORT

No Chief's Report. Commissioner Martynn raised questions regarding Internal Affairs statistics and asked whether the City Manager (CM) has responded to his request to have someone come to the PRC to address issues regarding findings. Barbara Attard stated that she met with City Manager James Keene and made this request. Mr. Keene stated that he plans to come to a decision on the CALOCA case in April or May and would like to wait until that time to discuss these issues with the Commission.

6. COMMITTEE REPORTS (For Discussion or Action)

--Community Outreach Subcommittee-There is a meeting next Tuesday, 3/14.

--Transgender Task Force (TTF)

The TTF may reconvene to work on the BPD Lesbian/Gay/Bisexual/Transgender liaison position.

--Drug Task Force Update

Commissioner Ritchie reported that the drug task force that he is a member of will be having a forum to discuss the war on drugs on Saturday, April 29--time and place to be announced. The forum will include some professors at UCB, and speakers from NORML, the ACLU, the Institute for Policy Studies, the Linda Smith Foundation, and some other groups. They will be looking at alternative policies and public/mental health issues involved with the war on drugs.

7. NEW BUSINESS (For Discussion or Action)

a) Berkeley High School (BHS) Truancy Issues

DeBose/Ritchie (Moved/Seconded) to take item out of sequence after public comment. Passed unanimously.

BPD Captain Bobby Miller and BHS Principal Theresa Saunders addressed the Commission regarding "Operation Stay in School."

Captain Miller stated that BPD first responded to complaints by merchants that teenagers were hanging out causing various problems and selling drugs. The first response by some officers to use a BPD wagon to pick students up and return them to BHS was not approved in advance and was considered wrong by the Department. BPD attempted to make amends with the students and

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apologized at a rally. BPD decided to deal with the specific issues of truancy, drug dealing and non-BHS students hanging out in the area. Surveillance was conducted and the allegations of drug dealing did not prove true.

The program that has been worked out between BPD and BHS is:

- Three teams of officers will patrol the areas around BHS, Civic Center Park and downtown Berkeley.
- One half hour after class starts (in accordance with truancy laws) officers will question students in the area and not in school and truant students will be returned to school by BPD in unmarked police vehicles.
- BPD will record truant students names on cards and will send a letter to students' parents reporting that their child was found to be truant. (The cards will be destroyed after the letters are written and no police record will be kept.)

Ms. Saunders stated that student enrollment at BHS is up this year, 3200 students from 2800 students last year. The truancy issues are complicated because several students did not have full schedules (in error), some students are not required to carry a full load, and there are not facilities at BHS to provide lunches for students. Problems with schedules that were incomplete in error have now been corrected. Students who have alternative programs have been directed not to loiter around the high school and in the downtown area. BHS is attempting to bring in vendors to provide some meals for students on campus. Follow up contacts were made with downtown proprietors who have stated that students were not a problem and that students contribute a substantial amount to their business. Although it seems that some of the problems were exaggerated, BHS is intent on working to solve the truancy problem. In addition to dealing with the disciplinary issues, BHS is attempting to meet with students to determine the underlying causes of truancy, i.e. personal issues, issues with classes not meeting students' needs, etc.

As of the first week of the truancy reduction program, 94 students were recorded by BPD to be truant. BHS now has a truancy pass policy and will keep records of students who are truant and/or tardy multiple times.

Commissioners discussed concerns about the differences in the perception and reality of youth crime. Some commissioners were surprised to hear that students are required to carry ID cards while at school. Businesspersons were encouraged to hire youth. Commissioners were concerned that the program has not been committed to a written BPD order or training bulletin. Particular concerns were expressed that the program be implemented in a fair and equitable manner and that BPD not keep records of students stopped.

DeBose/Taylor (Moved/Seconded) to direct staff to request that BPD establish written protocols for the truancy program, specifically articulating that the program must be implemented in a fair and impartial manner. The written protocols should include specific direction for the destruction of cards recording the names and addresses of students stopped by officers and ensure that no records of students stopped for this program are kept by BPD. It was requested that this item be placed on the agenda for a meeting in May or June and that BPD report to the PRC statistics on the number of students stopped and race,

gender and location of those stopped. Passed unanimously.

b) Election of PRC Chair and Vice Chair

Commissioner White was elected PRC Chair in an election against Commissioner Zellman. Commissioner Taylor ran unopposed and was elected to PRC Vice Chair.

c) Upcoming BAPON Meeting

Barbara Attard discussed the upcoming BAPON Meeting that is planned for April 14 in San Jose. The meeting will be all day with a morning "Training" regarding statistical reporting and evaluating "Driving While Black/Brown" Statistics and a business meeting planned for the afternoon. Civilian oversight bodies from Southern California are being invited in attempt to establish a "CALNET."

8. OLD BUSINESS (For Discussion or Action)

a) War on Weapons

Barbara Attard reported that she spoke with someone from the California Department of Justice who was working on the PRC records request. She was told that they cannot give names of Berkeley residents who are registered with guns (or the serial numbers of the guns), but they will give statistical information. He did not know exactly how long it would take them to respond.

b) Proposed Alternate Payment Plan for PRC Commissioners

The Commission discussed two alternatives to the current payment schedule for the PRC that were presented by Commissioners Taylor and White:

First Alternative

Section 6. The Police Review Commission shall be a working Commission. In order to compensate Commissioners for their time and work in investigating complaints, reviewing policies and practices, and attending meetings, Commissioners shall receive \$15.00 (fifteen dollars) per hour, but in no case shall compensation for any one Commissioner exceed \$300 (three hundred dollars) per month. *The Berkeley City Council may adopt by ordinance to increase the compensation allowed.* Procedures and regulations for accounting for hours worked and compensation shall be developed and adopted by the Commission and filed with the office of the City Clerk.

Second Alternative

Section 6. The Police Review Commission shall be a working Commission. In order to compensate Commissioners for their time and work in investigating complaints, reviewing policies and practices, and attending meetings, Commissioners shall receive \$75.00 (seventy-five dollars) per regular board meeting for a maximum of two meetings a month and \$50.00 per a called *investigative Board of Inquiry*, but in no case shall compensation for any one Commissioner exceed \$300 (three hundred dollars) per month. *The Berkeley City Council may adopt by ordinance to increase the compensation allowed.* Procedures and regulations for accounting for hours worked and compensation shall be developed and adopted by the Commission and filed with the office of the City Clerk.

**DeBose/ (Moved/Withdrew) to approve the first alternative payment plan.
Ritchie/DeBose (Moved/Seconded) to approve the first alternative payment plan. Passed unanimously.**

Commissioners agreed that although this alternative was adopted, there would be no formal action taken to change the payment plan until Commissioners have time to discuss the new plan with their Councilmembers. It was agreed that the item would be discussed in April.

9. COMMUNICATIONS

Commissioner Bennett congratulated Commissioners White and Taylor on their new positions as Chair and Vice Chair of the PRC. Commissioner Mar thanked Chair Bennett for the great job that she did as PRC Chair. Commissioner White stated that he learned a lot from observing Chair Bennett handle PRC meetings.

The Council Consent Item regarding the Oakland CPRB will go to Council on 3/14/00.

Barbara Attard will be writing the letters requested by the Commission to the City Attorney, and City Council and City Manager about referring complaints to the PRC. They will be included in the PRC packet when they are completed.

Commissioner Ritchie noted that there are several City Manager responses to findings in the packet in which the City Manager agreed with the PRC.

10. COMMISSION TO ADJOURN INTO EXECUTIVE SESSION TO DISCUSS LITIGATION

11. ADJOURNMENT

Taylor/White (Moved/Seconded) to adjourn at 9:40 PM. Passed unanimously.