



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. April 12, 2000  
Time: 7:30 p.m.

1. ROLL CALL: 7:40 PM  
Commissioners Present: Mar, Martynn, Ritchie, Sanchez- Resnik, Taylor, White, Zellman (7:45 PM)  
Commissioners Absent: Bennett, DeBose (Excused)  
PRC Staff: Barbara Attard  
BPD Personnel: Lt. Lopes, Sgt. Gordon

2. PUBLIC COMMENT: None

3. MINUTES OF THE MARCH 22, 2000 MEETING

**Sanchez-Resnik/Ritchie (Moved/Seconded) to approve the March 22, 2000 meeting minutes. Passed unanimously.**

4. PRC OFFICER'S REPORT

a) New Filings—One since last meeting.

b) Boards of Inquiry

Commissioners White, Taylor and Mar or Martynn agreed to hear the 4/27/2000 Board of Inquiry on PRC Case #1802, complainant Jason Meggs.

c) Upcoming BAPON Meeting



Commissioners Taylor and White and staff members Theo Reagans and Barbara Attard will be attending the statewide networking meeting sponsored by BAPON member the Independent Auditor in San Jose on 4/14.

- d) Incident at Browning and Dwight—PRC received alert about incident, but no complaint. Commission can authorize investigation. (For Discussion or Action)

Barbara Attard stated that the PRC has been contacted by witnesses to an incident at Dwight and San Pablo on 3/14. Serious unnecessary force issues were raised; however, the arrested party has not filed a complaint. The PRC Regulations have provisions whereby the PRC can authorize an investigation if there is no aggrieved person able to initiate a complaint.

**Taylor/Zellman (Moved/Seconded) to authorize PRC staff to investigate the incident. Passed unanimously.**

- e) Commissioner Stipends—1099's Issued?

Barbara Attard informed the Commission that a Commissioner had not received her 1099—mandatory if stipends for the year exceed \$600. Commissioners present had received 1099's.

5. BPD CHIEF'S REPORT

Lt. Lopes stated that BPD would like the help of the PRC in developing new means of recruiting police officers. BPD anticipates having a large turnover of officers in the next years and is concerned about recruiting new officers to fill the vacated positions. This item is to be placed on the agenda for the May 10 PRC meeting.

Starting pay for BPD officers is @ \$50,000 with a 2-year college requirement.

6. COMMITTEE REPORTS (For Discussion or Action)

--Community Outreach Subcommittee

Commissioner Zellman stated that at the last Community Outreach Subcommittee Meeting Mr. Young brought up the idea of BPD officers disseminating cards to people that they come into contact with encouraging feedback about the interaction. The cards would have information about registering compliments or complaints. The committee decided to bring the issue to the PRC for direction.

**Ritchie/Mar (Moved/Seconded) to send a letter to the City Manager suggesting that a procedure be instituted for all City departments to get feedback about services. Passed unanimously.**

--Transgender Task Force

Sergeant Gordon updated the PRC on training that she has been attending regarding

lesbian/bisexual/gay/transgender (LBGT) issues.

--Drug Task Force Update

Commissioner Ritchie updated the PRC on the “Calling a Truce to the War on Drugs” forum that will take place on Saturday, April 29, 11 AM to 5 PM at the North Berkeley Senior Center. Speakers include: Alexander Cockburn, Superior Court Judge James P. Gray, Professor Robert MacCoun, Ethan A. Nadelmann, Maria Quevedo, and Emmanuel Sferios.

7. NEW BUSINESS (For Discussion or Action)

a) Proposed Amendment and Discussion about the Terms of Office and Prior Action about Compensation

Commissioner Taylor proposed that the PRC bring an item to the voters in February 2001 to change the length of terms of PRC officers from one to two years. Chair White suggested that an ad hoc committee be formed to review the PRC Ordinance and Regulations for any other possible changes. **Taylor/Martynn (Moved/Seconded) to form an ad hoc committee for Ordinance/Regulation review. Passed unanimously. The ad hoc committee will be comprised of Commissioners Zellman, Taylor, Martynn and Ritchie.**

The committee will meet at 5:30 PM on May 10 before the regular PRC Meeting at South Berkeley Senior Center. It was agreed that interested parties would review the Regulations and Ordinance in advance and discuss possible changes at the 5/10/00 meeting.

b) Received “White Paper” on “The Role of Penalty Schedules in Managing Police Misconduct”— Interest in future agenda item on this topic?

This item is to be placed on the agenda for the May 10, 2000 PRC meeting.

c) Pending Legislative Issues (Added Item in Amended Agenda)

- Pending State Bill Amending California Penal Code Section 148.6 “False allegations of misconduct against peace officers; advisory form; signature; civil claims intended to harass or dissuade officer”

Barbara Attard discussed the pending bill, SB 2133, that would require police officers receiving citizen complaints to read out loud a warning that filing a false complaint could result in a misdemeanor charge. Currently persons filing complaints are required to read and sign the admonishment. **Zellman/Martynn (Moved/Seconded) to ask the City Council to take a position opposing SB 2133. Passed unanimously.**

- Pending California 9<sup>th</sup> Circuit Appeal of Case Involving Civil Code Section 47.5

Barbara Attard discussed this related lawsuit involving Civil Code Section 47.5 the civil companion to California Penal Code Section 148.6. **Ritchie/Taylor (Moved/Seconded) to ask staff to request that the City Attorney (with the authorization of the City Council if needed) file the Amicus Brief in support of the ACLU's position in the lawsuit appealing California Civil Code 47.5. Passed with commissioner Mar abstaining.**

8. OLD BUSINESS (For Discussion or Action)

a) Updates on BPD Orders and Bulletins

This item is to be placed on the agenda for the 4/26/00 meeting to discuss General Order R-29, and Training and Information Bulletins 114 and 115.

b) Internal Affairs Statistics and Procedures

This item is to be placed on the agenda for the May 24 PRC meeting.

9. COMMUNICATIONS

- Barbara Attard stated that the PRC Minutes and Agendas are now on the website of the City Clerk
- The PRC Website is in the process of being updated

10. COMMISSION TO ADJOURN INTO EXECUTIVE SESSION TO DISCUSS LITIGATION

11. ADJOURNMENT

**Martynn/Sanchez-Resnik (Moved/Seconded) to adjourn at approximately 9:50 PM. Passed unanimously.**