



Police Review Commission

ACTION MINUTES OF THE REGULAR MEETING OF THE POLICE REVIEW COMMISSION

North Berkeley Senior Center
1901 Hearst Street
Berkeley, California

Date: Wed. October 25, 2000
Time: 7:30 p.m.

1. ROLL CALL 7:40 PM

Commissioners Present: Mar, Sanchez-Resnik, Ritchie, Schlosberg,
White

Commissioners Absent: Bennett, Martynn, Taylor, DeBose (All Excused)

PRC Staff: Barbara Attard, Dan Silva

BPD Personnel: Sgt. Gordon, Lt. Aldinger

2. PUBLIC COMMENT—

L.A. Wood spoke to the Commission about an incident at the October 19 Council Meeting in which officers allegedly “targeted” a neighborhood activist because she was keeping track of cars parked in her neighborhood. He did not want to discuss details of the incident because he plans to file a complaint on it.

Leo Stegman asked about a letter from the City Attorney regarding referrals of misconduct complaints to the PRC. He was informed that the issue would be discussed later in the meeting.

3. MINUTES OF THE OCTOBER 11, 2000 MEETING

Sanchez-Resnik/Ritchie (Moved/Seconded) to approve minutes. Passed unanimously.

4. PRC OFFICER'S REPORT (For Discussion or Action)

a) New Filings—Two since last meeting.

b) Boards of Inquiry—Upcoming Boards of Inquiry were discussed:

11/2/00—1788 Continuation—Mostofavi Case—Commissioners Schlosberg/White/DeBose

11/16/00—1834—Minasian Case—Sanchez-Resnik/Martynn/Unknown

c) Administrative Closure Recommendation for PRC Case #1826, Complainant Joseph Fink

Barbara Attard explained that the complainant in this case has not been reachable by the PRC. All mail has been returned, there is no phone number or residence address and he has not been in contact with the PRC investigator.

Ritchie/Sanchez-Resnik (Moved/Seconded) to approve administrative closure. Passed unanimously.

d) Administrative Closure Recommendation for PRC Case #1827, Complainant Paul Mitchell

Barbara Attard explained that the complainant in this case has not been reachable by the PRC. All mail has been returned, there is no phone number or residence address and he has not been in contact with the PRC investigator.

Ritchie/Sanchez-Resnik (Moved/Seconded) to approve administrative closure. Passed unanimously.

e) Commissioner Stipend Requests due

Barbara Attard reminded commissioners that stipend requests are due.

5. BPD CHIEF'S REPORT

Telegraph Avenue Incident

Chief Butler discussed the Telegraph Avenue incident early Sunday morning 10/16/00. Butler reported that after 6-800 people were shut out of an event on campus approximately 12-1400 members of the public took to the streets. There were some attacks on UC students. BPD will be submitting a report to the City Manager on the event, and UCPD will be submitting a separate report.

New Building—The move to the new public safety building has been completed. There should be an open house in mid-January.

6. COMMITTEE REPORTS (For Discussion or Action)

Commissioner Sanchez-Resnik reported that she has been working on recruitment with Sergeant

Gustafson.

7. OLD BUSINESS (For Discussion or Action)

a) Review of PRC Case # 1828, BPD Officer Involved Shooting of April 12, 2000

Several commissioners asked questions of Chief Butler:

- Chair White asked if anything could have been done differently to have changed the outcome. Chief Butler did not believe so.
- Commissioner Schlosberg asked if there would be counseling for the officers and/or family of the victim. Officers are provided with counseling at several levels, counselors, Employee Assistance Program; there are no counseling services provided for the victim's family (they are in New York).
- Commissioner Ritchie stated that the shooting appeared proper and asked about preventing harm to bystanders. Chief Butler stated that the officer had a clear "field of fire."
- Commissioner Mar asked about a 3-minute period that was not accounted for. Chief Butler did not know what happened during that period.
- Commissioner Sanchez-Resnik asked about laser sighting systems for police weapons. Chief Butler stated that he was aware of them, but they are expensive. He would be open to viewing a video on the subject.

Ritchie/Sanchez-Resnik (Moved/Seconded) to accept the staff report and close the case "without comment." Passed unanimously.

b) Report of PRC "Referrals Item" from Council Meeting 10/24/00

Chair White explained that the Council adopted a "compromise" version of the City Manager's recommendation on this issue. A brochure will be developed by the City Manager's office that will outline procedures for making complaints against any city employee. The PRC will have a prominent position in the brochure and input on development of the brochure.

Commissioner Ritchie stated that he was not pleased with the outcome because he did not feel that it was in keeping with the PRC Ordinance. Barbara Attard stated that she believed that if there was going to be a different outcome and a change in current policy she believed that more commissioners would have had to have been present at the meeting to support the item, or would have had to have discussed the item with their Council members before the meeting. Chair White stated that he believed that this was the case as well.

8. NEW BUSINESS (For Discussion or Action)

a) Protocol at Meetings and Boards of Inquiries

Continued to 11/8/00 Meeting.

b) Relocation of PRC Offices

The PRC asked Chair White to write a letter to the City Manager stating that the Commission is concerned about the prospect of the PRC offices moving into the City Hall building, 5th floor because of issues of easy access to the offices by complainants, barriers to reaching the offices, and the image of “close proximity to the City Manager’s office.”

Ritchie/Mar (Moved/Seconded) to ask Chair White to write the above mentioned letter. Passed unanimously.

9. COMMUNICATIONS

- Item from Planning Commission Regarding General Plan Meetings—Barbara Attard alerted the commission that this item is in the packet.
- Commissioner Ritchie spoke about Proposition 36.

10. ADJOURNMENT

Mar/Ritchie (Moved/Seconded) to adjourn meeting at approximately 9:00 PM. Passed unanimously.