



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. May 23, 2001
Time: 7:30 p.m.

1. ROLL CALL: 7:50 p.m.

Commissioners Present: DeBose, Farrell, Ritchie, Sanchez-Resnik, Schlosberg (8:20), Sherman, White

Commissioners Absent: Bennett, Sternberg, (Both Excused)

PRC Staff: Barbara Attard

BPD Staff: Sgt. Gordon, Lt. Borders

2. PUBLIC COMMENT--None

3. MINUTES OF THE MAY 9, 2001 MEETING

Ritchie/Farrell (Moved/Seconded) to approve the meeting minutes. With DeBose, White, Sanchez Resnik abstaining, did not pass, held over to 6/13/01 meeting.

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

a) New Filings—Three since last meeting

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

5/24 Comp. Jensen—Comm. Sternberg, Farrell, Schlosberg,

5/30 Comp. Johnson Rehearing—Comm. Sternberg, Ritchie, Schlosberg,

5/31 Comp. Cooper—Comm. Sanchez-Resnik, Farrell, Debose

6/7 Comp. Harris—Comm. DeBose, Sternberg, Sherman

6/15 Comp. Psinos—Comm. Sanchez-Resnik, Sherman

c) Request for Late Filing, PRC Case # 1861, Filed by Dr. Stephen Hart



Ritchie/Sanchez-Resnik (Moved/Seconded) to approve case to be accepted provisionally as late filing unless in can be accepted as timely based upon citation hearing date. Ayes: Sanchez-Resnik, Ritchie, Sherman. Noes: Farrell, DeBose. Abstention: White. Did not pass.

d) Request for Late Filing, PRC Case # 1866, Filed by Mr. Ray Jones, Jr.

Ritchie/Farrell (Moved/Seconded) to approve the late filing request based upon excusable neglect. Passed unanimously.

e) First Quarter Stipend Requests Due

5. BPD CHIEF'S REPORT

Sgt. Gordon disseminated two memos that were disseminated to BPD in advance of amendments to BPD orders/regulations in response to PRC policy recommendations approved by Council:

- 1) Prohibiting Employees Involved in Internal Affairs or PRC Investigations from Contacting Complainants/Witnesses Regarding Investigations
- 2) Use of Mobil Crisis Team Whenever Possible in Cases Involving Mentally Disturbed Persons

6. COMMITTEE REPORTS (For Discussion or Action)--None

7. OLD BUSINESS (For Discussion or Action)

a) Medical Marijuana

Information from the Community Health Commission regarding the proposed medical marijuana ordinance was disseminated at the meeting. The item was held over to 6/13/01.

b) Policy Issue from PRC Case # 1839—Mouth Searches

In several cases investigated and heard by the PRC, BPD officers have forcibly searched the mouths of suspects and persons stopped during detentions, even during non-drug related encounters. Although apparently legal, several commissioners have expressed concern about this invasive practice.

Ritchie/Sanchez-Resnik (Moved/Seconded) to make a policy recommendation regarding searches of suspect's mouths: That the City of Berkeley and the Berkeley Police Department either discontinue the practice of involuntary searches of suspects' mouths during drug stops and detentions, and/or establish a written policy formalizing the parameters as to when this practice can be utilized. Passed, Ayes: DeBose, Sherman, Schlosberg, Sanchez-Resnik, Ritchie; Noes: None; Abstain: White and Farrell.

8. NEW BUSINESS (For Discussion or Action)

a) Independent Legal Counsel to Advise the Police Review Commission

Schlosberg/Ritchie (Moved/Seconded) to request funding for independent legal counsel. For the purposes of advising the PRC on possible policy alternatives and the legal consequences to the current proposal for complying with the *Caloca* decision. Passed: Ayes: Debose, Schlosberg, Sanchez-Resnik, Ritchie, Sherman, White. Noes: Farrell. Motion carried.

9. COMMUNICATIONS

- Response from Alameda County denying PRC request for written policy regarding Pepper Spray treatment.
- City Council Item re: Municipal Code 13.44—Regulation of Parades
- NOBLE Issues Report on Racial Profiling
- Council Information Report re Pepper Spray Protocols
- Commissioner Sherman asked that the national racial profiling be placed on the agenda for the next meeting.
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10. ADIJOURNMENT

Schlosberg/Sherman (Moved/Seconded) to adjourn the meeting at @ 8:50 PM. Passed unanimously.