



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. June 27, 2001
Time: 7:30 p.m.**

1. **ROLL CALL:** 7:40 p.m.

Commissioners Present: Farrell, Martynn, Schlosberg, Sherman, White

Commissioners Absent: Bennett, DeBose, Sanchez-Resnik, Ritchie (All Excused)

PRC Staff: Barbara Attard

BPD Personnel: Sgt. Gordon, Lt. Flemming

2. **PUBLIC COMMENT**-None

3. **MINUTES OF THE JUNE 13, 2001 MEETING**

Farrell/Sherman (Moved/Seconded) to approve the meeting minutes. Passed unanimously with Martynn abstaining.

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

- a) **New Filings**—None since last meeting
- b) **Boards of Inquiry**—Upcoming Boards were discussed
- c) **Request for Late Filing, PRC Case # 1878, Filed by J. Knight and B. Moore**

Request for late filing denied based upon the PRC Regulations, which state:
(From PRC Regulations, Page 3, and Section II. 1. b.)



All complaints shall be filed within ninety (90) calendar days of the alleged misconduct, and any complaint not filed within ninety (90) calendar days shall be dismissed; provided, however, that a complaint may be filed within an additional ninety (90) calendar days if at least six (6) Commissioners vote that the Complainant has demonstrated by clear and convincing evidence that failure to file the complaint within the initial ninety (90) calendar day statutory period was the result of inadvertence, mistake, surprise, or excusable neglect; provided, however, that the running of such ninety (90) calendar day period shall be tolled when a Complainant is incapacitated or otherwise prevented from filing such a complaint. Lack of knowledge of the existence of the Commission or its complaint procedures shall not constitute mistake, inadvertence, surprise, or excusable neglect in any case. (Emphasis added)

Farrell/White (Moved/Seconded) to deny the late filing request, PRC Case #1878. Passed: Ayes: Farrell, Schlosberg, Sherman, White. Nay: Martynn.

d) Recommendation for Administrative Closure, PRC Case # 1858, Filed by Eleazer Clark

White/Sherman (Moved/Seconded) to approve the recommendation for administrative closure, PRC Case #1858. Passed unanimously.

e) Recommendation for Summary Dismissal, PRC Case #1868, Filed by Mr. James Doherty

Sherman/Farrell (Moved/Seconded) to approve the recommendation for summary dismissal, PRC Case #1868. Did not pass. Ayes: Farrell, Schlosberg, Sherman, White. Nay: Martynn.

5. BPD CHIEF'S REPORT—None

There was a discussion regarding staffing issues faced by BPD. Because of planned retirements up to 32 officers may retire by the end of 2001 and 38 by the end of 2002.

6. COMMITTEE REPORTS (For Discussion or Action)

7. OLD BUSINESS (For Discussion or Action)

None

8. NEW BUSINESS (For Discussion or Action)

a) Review of Draft PRC Annual Statistical Report for the Year 2000—Continued to next meeting

b) Report from International Association of Civilian Oversight of Law Enforcement (IACOLE) Conference

Barbara Attard attended the conference in Quebec City, Canada. The joint international and

Canadian associations conference was attended by delegates from seventeen countries. Oversight issues in Canada, the USA, South Africa, Brazil, Portugal, Ireland, England, Australia, and in the Navajo Nation were discussed. There were also two presentations from Canadians who had investigated war crimes in Kosovo and other countries.

A topic that was discussed that had broad interest was regarding changes in the interpretation of the law and basic civil rights afforded to people under various constitutions (or charters.) Through the years basic rights have expanded and with that expansion there is a corresponding responsibility on the part of police officers to respect these rights.

9. COMMUNICATIONS

Barbara Attard announced an upcoming hearing put on by Attorney General Lockyer's Specialized Weapons and Tactics (SWAT) Task Force on July 18 in Oakland. More details of the hearing will be announced.

10. ADJOURNMENT

**Martynn/Sherman (Moved/Seconded) to adjourn the meeting at approximately 8:50 p.m..
Passed unanimously.**