



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. July 25, 2001  
Time: 7:30 p.m.**

1. ROLL CALL: 7:30 p.m.  
  
Commissioners Present: Bennett, Farrell, Martynn, Sanchez-Resnik, Schlosberg, Sherman, White  
  
Commissioners Absent: DeBose, Ritchie (Both Excused)  
  
PRC Staff: Barbara Attard  
  
BPD Personnel: Sgt. Gordon, Lt. Flemming
  
2. PUBLIC COMMENT--None
  
3. MINUTES OF THE JULY 11, 2001 MEETING  
  
**Bennett/Martynn (Moved/Seconded) to approve the meeting minutes. Passed unanimously with Farrell and Sanchez-Resnik abstaining.**
  
4. PRC OFFICER'S REPORT (For Discussion or Action)  
  
a) New Filings—One since last meeting  
b) Boards of Inquiry—Upcoming Boards were discussed.
  
5. BPD CHIEF'S REPORT--None



6. COMMITTEE REPORTS (For Discussion or Action)

Commissioner Sanchez-Resnik stated that she will be working with Sgt. Gustafson on this issue.

7. OLD BUSINESS (For Discussion or Action)

None

8. NEW BUSINESS (For Discussion or Action)

a. Homeless Commission Chairperson, Seth Katzman, to Address the PRC Regarding Issues Between the Homeless Community and the Police

Seth Katzman, chair of the Homeless Commission, addressed the PRC regarding BPD handling of homeless persons and California Penal Code Section 647j enforcement. He pointed out that Alameda County Court Judge Carol Brosnahan ruled that enforcement of 647j PC was unconstitutional in a recent court case. After some discussion of this issue, it was suggested that subcommittee be set up of PRC the Homeless Commission and the Peace and Justice Commission to meet in September on this issue and report back to the PRC. Commissioners Sherman and Martynn expressed interest in participating on this subcommittee.

Michael Diehl of BOSS expressed concerns about homeless people not having any place to sleep in Berkeley. He feels that homeless person's rights are being violated by enforcement of 647j PC.

b. Public Hearing on Issues Regarding Drug Enforcement Efforts at the UA Homes

Approximately 40 tenants/interested parties attended the PRC meeting regarding this issue. Several City departments who have worked on this issue attended and addressed the Commission regarding UA Homes: Michael Caplan, Neighborhood Services liaison from West Berkeley, representing the City Manager; David Wee from the Mobile Crisis Team representing the Health Department; BPD Chief Dash Butler and Lt. Yuen all spoke to issues City intervention efforts at UA Homes, 1040 University Avenue. Councilmember Kriss Worthington and a representative from Councilmember Margaret Breland's office attended as well. (They stated that they were interested in hearing the issues and would be available to concerned parties.)

The issues were introduced by **Andrea Prichett of Copwatch**. She explained that UA Homes is a 73-unit facility licensed to house people with disabilities including mental disabilities, drug addiction, and some dual diagnosis. The facility is following guidelines of "harm reduction" in attempting to deal with substance abuse issues. Ms. Prichett submitted written documents outlining issues at UA Homes. (attached) She is specifically concerned with actions taken by the Special Enforcement Unit including: Forcible entry in some case where rooms were unlocked and/or officers were offered keys to rooms; unnecessary display of firearms; property destruction; failure to secure premises; and failure to video tape. Ms. Prichett asserts that enforcement actions have created an atmosphere of fear at UA Homes. She also described a situation with a shortage of staff at UA homes--with the security person locking doors when making rounds so that people can't enter or exit the building and various stairwell and emergency exit doors being locked. There were assertions that improvements that were reported to have been made were, in actuality not completed.

**Michael Caplan** stated that several tenants came to him reporting problems at UA Homes in lots of areas, not only police issues—from cleanliness to drug dealing. The people feared that there would be retaliation so were handled in an anonymous manner. There was a combined City effort including Mental Health, Housing, Fire and Police. He has heard that conditions have/haven't gotten better, depending upon the issues.

**Chief Butler** stated that it was reported to Captain Miller that a resident at UA Homes felt that drug problems at the residence were interfering with his recovery. Six warrants were served and drugs were found in all cases. Chief Butler feels that UA Homes residents are entitled to have their issues dealt with by BPD as would any other resident of Berkeley.

**David Wee** stated that Mental Health would be available to residents in need of their services—including development of a support group if residents would like one.

Several members of the public spoke including:

**Edith Holmes**, Vice chair of the Homeless Commission.

**Rico Saxton** stated that he came out of the elevator and was met by an officer pointing a gun in his face.

**Marilyn White**, a tenant since 1992, felt that there should have been a meeting with residents before action was taken.

**Clarence Redd** felt intimidated because officers threatened that they'd be back.

**Jessie Bennett** felt that enforcement efforts are not consistent with the type of environment conducive to recovery.

**Hulse Rauh** informed the commission that some of the 911 calls were not true emergencies.

**Karla James** of Copwatch expressed concerns that the type of response by BPD is determined by the neighborhood. BPD could be used as a "pawn" if all sides are not heard.

**Dr. Lisa Pascopella** questioned who determined that drug issues were the paramount issue to deal with at UA Homes.

**Karen "Twister"** described a warrant search of her residence.

**Michael Diehl** expressed concerns that people at UA Homes could become homeless if this residence was not available or residents were evicted.

Commissioners Sanchez-Resnik, Martynn, Farrell, Sherman and Schlosberg raised several issues including:

- There is a tenant association that would like to be informed and involved in any further meetings/actions at UA Homes. (Michael Caplan stated that they planned to include them in the future.)
- **Schlosberg/Sherman (Moved/Seconded) to initiate a policy complaint regarding the SEU enforcement efforts at UA Homes--the main questions include: How was the police response determined/developed? What is the history of 911 calls there? Review of police reports/warrants/video tapes and prepare for Commission review. Were required pre and post video taping of searches of residences completed? Were doors forced open when keys were offered? Passed Unanimously.** The commission requested that staff report back in September.

c. Providing Sufficient Information to Evaluate Discrimination Allegations

Commissioner Scholsberg raised some issues stemming from a recent Board of Inquiry in which an officer stated that he does not always radio in traffic stops, particularly when doing “pretext stops”—stopping someone for a traffic violation when he’s actually investigating another issue. Commissioner Scholsberg stated that this raises concerns about the validity of BPD’s racial profiling statistics. Department representatives at the meeting stated that they would look into the issue.

The item regarding discrimination allegations held over to next meeting.

9. **COMMUNICATIONS**

City Attorney memo regarding PRC taking positions on legislation to be calendared for next meeting.

10. **ADIJOURNMENT**

**White/Bennett Moved/Seconded) to adjourn the meeting at approximately 9:45 p.m.. Passed unanimously.**