



Police Review Commission

SPECIAL PRC MEETING ACTION MINUTES

South Berkeley Senior Center
2939 Ellis Street
Berkeley, California

Date: Wed. October 3, 2001
Time: 7:30 p.m.

1. ROLL CALL 7:30 PM

Commissioners Present: Bennett, DeBose, Farrell, Ritchie, Sherman, Sternberg

Commissioners Absent: Sanchez-Resnik, Schlosberg, White (Excused)

PRC Staff: Barbara Attard

BPD Personnel: Lt. Aldinger, Sgt. Gordon

Commissioner Sternberg was sworn in at this meeting (8:25 PM)

2. PUBLIC COMMENT--None

3. MINUTES OF THE SEPTEMBER 12, 2001 MEETING

Ritchie/Sherman (Moved/Seconded) to approve the September 12, 2001 meeting minutes. Passed with Sternberg and Bennett abstaining.

Commissioner Sternberg clarified the minutes related to the *Eikhorn* decision explaining that it is not that officers cannot arrest a person for sleeping if the county does not provide enough shelter beds, but it allows those charged to raise the necessity defense if there is sufficient evidence to prove that they do not have access to shelter beds.

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

a) New Filings—Two since last meeting.

b) Boards of Inquiry—Several upcoming boards were discussed.

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Problems with scheduling boards were discussed. Several commissioners expressed concerns with commissioners who are not carrying their share of Boards, making it necessary for others to handle too many cases.

c) Drug Enforcement Efforts at the UA Homes Policy Complaint (Update)

Barbara Attard gave an update on the policy investigation of enforcement efforts at 1040 University Avenue. She has met with residents and reviewed issues and videotapes. A question has arisen as to whether UA Homes is a “harm reduction” or a “clean and sober” facility.

d) Update on Homeless Issues—Enforcement of 647j Issues

The Homeless Commission is meeting and will decide if they want to convene to make a joint recommendation on this issue.

e) Follow up on Policy Issues Regarding ADA and Jail Medical from PRC Case #1834, Complainant Minasian

Two issues were raised resulting from the PRC Case #1834—

1) Providing on call non-emergency medical services in the jail: Barbara Attard checked with Health and Human Services (HHS) Medical Director, Poki Namkung for input. She said that HHS would not be able to handle the extra workload. She was also concerned because there were no facilities in the jail to examine inmates. If 24-hour services were sought, it would require having several doctors on call to cover all shifts, which could be very expensive. She referred staff to the Tang Center at the University of California to see if they could be contracted to provide coverage for the jail. Staff called the Tang Center and was told that they only would provide coverage for UC students. This issue was being brought back to the Commission to seek guidance as to whether to go forward to Council with this issue or amend the policy recommendation eliminating this issue.

2) The Commission recommended that a subcommittee of the PRC, BPD and the Commission on Disabilities work to create training guidelines for BPD on General Order T-19, Training and Information Bulletin 278 and other ADA issues: Barbara Attard has been meeting with Eric Dibner the City’s ADA Coordinator and staff to the Disabilities Commission and members of BPD on this issue. A training program is being developed and funding through the disabilities project may be available for this training.

The Commission asked that this item be brought back for the next PRC meeting and that BPD’s written guidelines on jail medical issues from General Order J-1 and the Jail Manual be provided to the Commission to make a determination regarding this issue.

5. BPD CHIEF'S REPORT

Lt. Aldinger reported that Sgt. Morizono and Sgt. Files of BPD will be going to the NACOLE conference.

6. COMMITTEE REPORTS (For Discussion or Action)

a. Scheduling of Rules Revision Committee—Scheduled for 10/24/01

7. OLD BUSINESS (For Discussion or Action)

a. Handling Repeat Complainants

Responses included in the Commission packet from other civilian oversight agencies regarding this issue were reviewed and discussed. Problems of commissioners remaining unbiased hearing complaints filed by repeat complaints were discussed. No action was taken on this item.

8. NEW BUSINESS (For Discussion or Action)

a. Juvenile Miranda Issues and Parameters of BPD Involvement in Berkeley Schools—
PRC Complaint #1846, Complainant Johnson

Issues regarding Miranda advisements in juvenile cases and involvement of BPD in Berkeley schools (BUSD) were discussed. The Commission requested that staff send a letter to BPD and BUSD requesting clarification of the role of officers in schools relating to discipline and detentions in writing. The Commission also requested that someone from BPD and BUSD come to a future PRC meeting to discuss this issue. This issue is of particular concern with new increased penalties for juvenile offenders. Commissioner Bennett stated that the role of BPD in schools can vary depending upon the school. Sgt. Odom has been involved with the schools in defining this role. The role of officers in schools has also been the subject recently in meetings with the superintendent.

b. BPD Involvement in Intelligence Gathering and Anti-Terrorism Efforts

Commissioner Ritchie asked that this item be placed on the PRC agenda because he would like to know if BPD has been asked to participate in anti-terrorism efforts or projects. The Commission would like the PRC or the City Council to be advised if BPD becomes involved in such efforts. Staff was asked to contact BPD to inquire as to what written guidelines there are regarding intelligence gathering and whether BPD has been asked to participate in anti-terrorism efforts. This item should be brought back for a future meeting.

9. COMMUNICATIONS

- BPD Training and Information Bulletin #281 “Consensual Contacts with Members of the Public” Policy Developed from PRC Case #1822
- Council Action on PRC Bicycle Issues Item

10. ADJOURNMENT

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