



Police Review Commission

**ACTION MINUTES OF THE  
POLICE REVIEW COMMISSION REGULAR MEETING**

**North Berkeley Senior Center  
1901 Hearst Street, Berkeley, CA**

**Date: Wed., March 26, 2003  
Time: 7:30 p.m.**

1. ROLL CALL: 7:40 PM  
Commissioners Present: Radisch, Ritchie, Sherman, Sternberg, White  
Commissioners Absent: DeBose, Sanchez-Resnik, Yang  
PRC Staff: Barbara Attard  
BPD Staff: Sgt. Morizono, Lt. Flemming
2. PUBLIC COMMENT—Complainant Betterton thanked the PRC for its work on his case.
3. MINUTES OF THE FEBRUARY 26, 2003 REGULAR MEETING—Continued to next meeting.  
MINUTES OF THE MARCH 12, 2003 REGULAR MEETING—Continued to next meeting.
4. PRC OFFICER'S REPORT (For Discussion or Action)
  - a) New Filings—Three since last meeting
  - b) Boards of Inquiry—None scheduled
  - c) Request for Rehearing, PRC Case #1950 filed by Mr. Betterton—  
Complainant Betterton described his request for rehearing and informed the PRC that the District Attorney told the Court that they would be prosecuting him because he had filed a complaint against the officer.  
**Sternberg/Ritchie (Moved/Seconded) to hold this item over until April 9 to allow Mr. Betterton time to collect documentation to support his request for rehearing. Passed unanimously.**
5. BERKELEY POLICE DEPARTMENT (BPD) CHIEF'S REPORT

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Lt. Flemming informed the PRC that BPD presented a study session to the Council about BPD and the impact of the impending budget cuts on the Department. Barbara Attard informed the PRC that the presentation is available through “video streaming on the City’s website. Chair White thanked Lt. Flemming and the Chief for the report. Commissioner Sherman complimented BPD on its handling of recent demonstrations.

6. COMMITTEE REPORTS (For Discussion or Action)  
Caloca Subcommittee—No report

7. OLD BUSINESS (For Discussion or Action)

a) Caloca Update

Commissioner Sternberg stated that he believes that the Caloca hearings should be scheduled when commissioners can be present to allow them to fully participate in the process and defend their findings. Barbara Attard stated that she would pass this on to City Manager Rucker.

b) Recommendations from Mark Schlosberg, Northern California ACLU,  
RE: Proposed Legislation on Police Misconduct

**Ritchie/Sternberg (Moved/Seconded) to go on record in support of the ACLU letter to Speaker Wesson containing recommendations for legislation on police misconduct issues. Passed with Commissioner Radisch voting no.** Staff will report back as to the report of the Speaker’s Commission regarding proposed legislation.

8. NEW BUSINESS (For Discussion or Action)

a) Policy Issue—PRC Case #1791—Complaint filed by Carol Denney—  
RE: Issues Regarding Police Actions In Crowd Control Situations

**Continued to next meeting to allow complainant Denney to be present.**

b) Policy Issue—PRC Case #1949 and 1950—Marijuana Arrests

**Sherman/Ritchie (Moved/Seconded) to make a policy recommendation based on the staff recommendation that Council recommend BPD roll call training regarding the City of Berkeley policy on Marijuana Enforcement. Passed unanimously.**

The Commission asked that an item be placed on the agenda for the next meeting regarding the issue raised by Mr. Betterton of the District Attorney’s comments that he would be prosecuted to the fullest for possession of less than an ounce of marijuana because he filed a complaint against the police officer.

c) AB 834—Amendment to PC 832.5 Requiring Destruction of Complaint Records  
**Continued to next meeting to find out the status of the legislation.**

d) Discussion of PRC 30<sup>th</sup> Anniversary—The 30<sup>th</sup> Anniversary was briefly discussed. The Commission asked Barbara Attard to discuss this with City Manager Rucker.

9. COMMUNICATIONS

10. ADJOURNMENT: Sherman/Ritchie (Moved/Seconded) to adjourn meeting at approximately 9:05 PM. Passed unanimously.