



Police Review Commission

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

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

**Date: Wed., June 25, 2003  
Time: 7:30 p.m.**

1. ROLL CALL: 7:40 PM  
Commissioners Present: Radisch, Ritchie, Sanchez-Resnik, Sherman, Sternberg, White  
Commissioners Absent: DeBose, Cabrera, Yang  
PRC Staff: Barbara Attard  
BPD Staff: Sgt. Delaney, Capt. Hambleton

2. PUBLIC COMMENT--None

3. MINUTES OF THE JUNE 11, 2003 REGULAR MEETING

**Sanchez-Resnik/Ritchie (Moved/Seconded) to approve minutes. Passed unanimously with Sternberg abstaining.**

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

- a) New Filings—3 since last meeting
- b) Boards of Inquiry—Upcoming Boards of Inquiry were discussed.

5. BPD CHIEF'S REPORT

Captain Hambleton reported that Arnold Lui was promoted to lieutenant and Dan Lee was promoted to sergeant. BPD will be placing an increased emphasis on DUI—Driving Under the Influence enforcement as the result of purchasing new equipment and receipt of grant funding. He also discussed 7 shootings that have taken place in Berkeley and related arrests and confiscation of firearms made by BPD officers.



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6. COMMITTEE REPORTS (For Discussion or Action)

Caloca ad hoc Committee

Commissioner Sternberg reported that the City Manager has made some changes to the process as the result of meeting with the committee. The committee will be meeting again with the City Manager on July 16.

7. OLD 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

Capt. Hambleton discussed two issues related to this policy complaint:

- Confiscation of protest signs—if signs are taken they should be booked according to the property general order as evidence or property for safekeeping.
- Onlookers to arrests at demonstrations—it would be difficult to write regulations regarding this issue because the situation and officer/public safety mandates how far from the arrests that onlookers are kept.

No action was taken on these issues.

- b) Update on Police in Schools Issue and Policy Recommendation Regarding Juvenile Miranda

**Ritchie/ Sanchez-Resnik (Moved/Seconded) to change the PRC recommendation for change in BPD General Order J-18 Section 4 (a) (1) to the language below. Passed unanimously. BPD General Order J-18, Section 4(a)(1): Temporary custody, for purposes of triggering Miranda warnings, begins at the point that the minor would be considered to be under arrest, if the minor was an adult, or the officer has restrained the minor's freedom of movement to the degree associated with an arrest. Although Miranda warnings are not required for most brief investigative detentions, the requirement to Mirandize a minor arises once the minor is effectively "in custody" and can occur even in the absence of a formal arrest. The determination of custody depends on the objective circumstances of the situation. Factors in determining whether a minor is "in custody" include the site and the length of the interrogation. It is not necessary that the minor be formally removed to a law enforcement facility to trigger Miranda warnings. For instance, if the officer removes the minor to a secluded site out of the public view (e.g., to a private room, or a secluded area on school grounds) in order to investigate whether the minor committed a crime, Miranda warnings should be given.**

NOTE: PRC Action at the 11/13/02 Meeting was: Clark/Sternberg (Moved/Seconded) to recommend a change in BPD General Order J-18 Section 4 (a) (1) to read, "Temporary custody means that the minor is not at liberty to leave." (Delete "the law enforcement facility".)

After discussing the recommended change in the language from the 11/13/02 meeting with BPD and the City Attorney, the new language recommended at this meeting was forged.

c) PRC Council Items:

- ~~AB 1077—Expanded Methods of Filing Complaints—Discussion of —To Council July 8~~

No action taken on this item however Barbara Attard informed the Commission that this item will not go to Council on July 8 due to the need for additional staff work.

- ~~AB 1331—Whistleblower Protection for Police Officers—To Council July 8—May change to later date.~~

No action taken on this item however Barbara Attard informed the Commission that this item will not go to Council on July 8 due to the need for additional staff work.

- ~~AB 1119—Implementation of Early Warning System—To Council July 8— May change to later date.~~

No action taken on this item however Barbara Attard informed the Commission that this item will not go to Council on July 8 due to the need for additional staff work.

- ~~Support of Funding for Detox Program—To Council July 8— May change to later date.~~

No action taken on this item however Barbara Attard informed the Commission that this item will not go to Council on July 8 due to the need for additional staff work.

8. NEW BUSINESS (For Discussion or Action)

Planning for PRC 30<sup>th</sup> Anniversary Celebration

An ad hoc committee was formed to plan this event: Commissioners Sanchez-Resnik, Ritchie and Sherman.

9. COMMUNICATIONS

Chair White and Commissioner Sanchez-Resnik discussed the upcoming National Association of Civilian Oversight of Law Enforcement (NACOLE) Conference, September 21-24 in Los Angeles. They encouraged commissioners to attend as it provides interesting and informative plenary sessions and workshops as well as networking and training opportunities.

10. ADIJOURNMENT

**Sanchez-Resnik/Sherman (Moved/Seconded) to adjourn at approximately 8:50 PM. Passed unanimously.**