



Police Review Commission

POLICE REVIEW COMMISSION REGULAR MEETING

ACTION MINUTES

**South Berkeley Senior Center
2939 Ellis Street
Berkeley, California**

**Date: Wed., April 14, 2004
Time: 7:30 p.m.**

ROLL CALL

Commissioners Present: Radisch, Ritchie (8:10 P.M.), Sherman, Sternberg, White

Commissioners Absent: Chung, DeBose, Sanchez-Resnik, Sheen

PRC Staff: Barbara Attard

BPD Staff: Sgt. Morizono, Lt. McBride

2. PUBLIC COMMENT

Andrea Prichett expressed concerns about the death in custody of Tyrone Hughes, Sr. She inquired as to the status of the case and the ability of the PRC to investigate the incident.

3. MINUTES OF THE MARCH 24, 2004 MEETING

White/Sherman (Moved/Seconded) to approve minutes. Passed unanimously.

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

a) New Filings – 4 new cases since last meeting

b) Boards of Inquiry—Upcoming Boards were discussed

c) Review for Petition for Acceptance of Case Under Provisions of PRC Regulations II.1.b.
Late/Timely Filing—PRC Case #2010 Filed by Candice Etter

Complainant Etter discussed alleged difficulties that she had communicating with the accused officer and not being informed that the District Attorney (DA) was not going forward with her case. She had been repeatedly told that BPD knew who the suspects were and the case was under investigation. She received no response for months and was finally told in January 2004

POLICE REVIEW COMMISSION NEW OFFICES: 1947 Center St. Third Fl., Berkeley, CA 94704

TEL: 510.981.4950 TDD: 510.981.6903 FAX: 510.981.4955

e-mail: prc@ci.berkeley.ca.us http:// www.ci.berkeley.ca.us/prc/

that the DA would not go forward. She stated that had she been informed earlier that they were not going to prosecute, she would have taken other action and would have been able file her complaint earlier.

Ritchie/Sherman (Moved/Seconded) to declare case as a timely filing based on the ongoing communication issues with the officer. Passed with 4 commissioners voting in favor and commissioner Radisch voting no.

d) Administrative Closure, PRC Case #2008 filed by Eleazer Clark
Sherman/Ritchie (Moved/Seconded) to administratively close case. Passed unanimously.

5. BPD CHIEF'S REPORT

Lt. McBride reported that BPD has deployed a small-scale decoy program for sales of alcohol to minors; 14 of 26 businesses were found to sell alcohol to minors during this operation. In two cases, adults purchased alcohol for the minors. There was also a program to enforce laws banning sales of tobacco to minors. Working with the Health Dept., BPD visited 60 stores and found that 8 sold to minors.

6. COMMITTEE REPORTS (For Discussion or Action)

Caloca ad hoc Committee

The committee reported that the City is researching issues raised by the Commission and they plan to meet in the near future.

7. OLD BUSINESS (For Discussion or Action)

a) Caloca Update—No hearings scheduled.

b) Response to PRC Regarding Regular Reports from BPD
Bi-Annual Pepper Spray Reports; Bi-Annual Marijuana Enforcement Reports;
Monthly Management Reports (Crime Trends)

Barbara Attard reported that BPD is up to date with the pepper spray and marijuana enforcement reports and that the monthly management reports have been requested.

c) BPD Canine Proposal

Barbara Attard informed the PRC that BPD does not plan to bring the canine proposal to Council at this time and inquired as to whether the PRC would like to withdraw the Council item. The Commission would like to go forward with the Council item to go on record in opposition to the canine proposal.

d) Glenn Givens Officer Involved Shooting Case

The ad hoc subcommittee regarding this case met with Acting City Manager Phil Kamlarz and the City Attorney. The Commission raised concerns about the refusal of BPD to provide the interviews of the involved officers. The PRC will receive a response by April 21 regarding this issue. Commissioner Radisch stated that he feels that the reasons stated by the City Manager and the City Attorney for not releasing reports are specious. He stated that if Mr. Givens had lived, all of the documents would end up being public.

8. NEW BUSINESS (For Discussion or Action)

a) March 29, 2004 In Custody Death of Tyrone Hughes

Ritchie/White (Moved/Seconded) to open an investigation. Did not pass with Sherman abstaining. To be placed on the agenda of the next PRC meeting.

b) Discussion of City Manager's Report Regarding Frequency of Commission Meetings and/or Other Possible Cost Reductions—No action taken.

c) April 28 PRC Meeting

The commission discussed items to be placed on the agenda at the April 28 meeting.

9. COMMUNICATIONS

Outstanding Woman of the Year Award—Jackie DeBose

Letter from Jim Chanin RE: Annual Council Approval of BPD Mutual Aid Agreements

10. ADJOURNMENT

Sherman/White (Moved/Seconded) to adjourn at approximately 9 P.M. Passed unanimously.