



Police Review Commission

POLICE REVIEW COMMISSION REGULAR MEETING

ACTION MINUTES

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

**Date: Wed., April 13, 2005
Time: 7:30 p.m.**

1. ROLL CALL 7:38 P.M.
Chairperson: Commissioner Chung
Commissioners Present: Chung, Kidd, Radisch, Ritchie, Sherman, Smith and Wafer
Commissioners Absent: Sheen and White
PRC Staff: Dan Silva
BPD Staff: Sgt. Murray

2. PUBLIC COMMENT
None

3. MINUTES OF THE MARCH 23, 2005 MEETING
Commissioners Smith **Moved** / Wafer **Seconded**, to approve the Minutes of March 23, 2005.
Motion **Passed unanimously**

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

- a) New Filings – Four (4) complaints have been filed since the last meeting, Case #2063 (Justin Williams); 2064 (Frank Briggs); 2065 (Steven DeCaprio) and 2066 (Carol Denney).
- b) Boards of Inquiry – Mr. Silva passed out the sign up sheet for up-coming Boards of Inquiry.
- c) Petition For Rehearing Case 2044 & 2045 Barbara Tengeri.

Ms. Tengeri presented her petition for rehearing to the Commission.

Commissioners Radisch **Moved** / Smith **Seconded**, to deny Ms. Tengeri's petition for rehearing. Motion **Passed unanimously**

5. BPD CHIEF'S REPORT

Chief Douglas Hambleton addressed the Commission for the first time as Chief of the Berkeley Police Department. The Commission welcomed his appearance and engaged in a question and answer period. Chief Hambleton indicated that he wanted to keep an open relationship with the Commission and reported that he had already met with Mr. Silva the Acting PRC Officer and will continue to meet with him on the first Wednesday of each month. The Commission thanked Chief Hambleton for his appearance.

6. COMMITTEE REPORTS (For Discussion or Action)

Sub-committee meeting to work with the department's representatives to review the Berkeley Police Department's Mutual Agreements, Understandings and Policies 2005 Publication.

Mr. Silva reported that he had spoken with Lt. Daniel Lee regarding meeting times for the sub-committee to meet with the Department's representatives to go over the Department's Mutual Agreements. Lt. Lee requested that that the meeting be held during the weekdays and asked for Mr. Silva to poll the subcommittee to see if that was agreeable. The Commissioners on the subcommittee who were present indicated that that would be agreeable depending on the dates.

Mr. Silva stated he would report their response to Lt. Lee and they would work on proposed dates for the meetings.

7. OLD BUSINESS (For Discussion or Action)

- a) *Caloca* Update-Discussion regarding the agreement and appeal procedures between the Director of the Office of Administrative Hearings, and the City of Berkeley.
- b) Mr. Silva reported that at the Commission meeting of March 23, 2005, the Commission indicated that they were interested in viewing the agreement and appeal procedures between the Director of the Office of Administrative Hearings, and the City of Berkeley. Mr. Silva reported that the agreement and appeal procedures were in the packet for their

perusal.

The Commission noted that the agreement had been signed by the noted officials and is in effect now and will remain so until either party terminates the contract with a sixty-day (60) notice.

After consideration of the agreement the Commission indicated an interest in speaking with a representative from the City Attorney's office regarding some of their questions. Mr. Silva stated he would make the request.

c) **Mediation Discussion**

The Commission discussed the possibility of an in-house mediation process. Mr. Silva reported that he believed that the PRC could mediate the same number of cases that it refers to B.D.R.S. (Berkeley Dispute Resolution Service), now known as East Bay Community Service. The Commissioners engaged in a lengthy discussion regarding the various aspects of the current mediation process and that of an in-house mediation process. They indicated that Mr. Silva could proceed on the development of a proposed in-house mediation process, but strongly suggested that staff seek the assistance of East Bay Community Service and other sources for assistance in the development stage.

Commissioners Sherman **Moved** / Smith **Seconded**, to allow PRC staff to proceed on the development of a proposed in-house mediation process. Motion **Passed unanimously**

d) ***Tabled PRC Policy Issues:***

Glennel Givens - Officer Involved Shooting Case
Policy Issues Regarding Treatment of Homeless People
Redaction of Records—Review of Draft General Order

8. **NEW BUSINESS** (For Discussion or Action)

There was no new business discussed for action. Mr. Silva did report that he was attempting to set two policy complaints before the Commission at their April 27, 2005, meeting. (2057 Stillwell) and (2058 Wallis).

9. **COMMUNICATIONS**
(See attached)

10. **ADJOURNMENT**

Commissioners Ritchie **Moved**, Smith **Seconded** to adjourn at approximately 8:50 p.m. Motion **Passed** unanimously.