



Police Review Commission

POLICE REVIEW COMMISSION (PRC) REVISED ACTION MINUTES

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

**Date: Wed., February 22, 2006
Time: 7:30 p.m.**

1. **ROLL CALL**

7:35 P.M.

Vice-Chairperson: Commissioner Kidd
Commissioners Present: Radisch, Sherman, Smith and Wafer
Commissioners Arriving Late: Ritchie and White
Commissioners Absent: Chung and Herrera
PRC Staff: Dan Silva, Acting PRC Officer
Victoria Urbi, Investigator
BPD Staff: Lieutenant Ahearn and Officer Wellington

2. **PUBLIC COMMENT**

None.

3. **MINUTES APPROVAL**

a) Approval of the February 8, 2006 Minutes carried over to next meeting due to lack of quorum.
Commissioners Wafer, Radisch and Kidd abstained.

Commissioner Smith requested a sentence correction: Page 2, PRC Officer's Report, Section (b), 5th paragraph. Mr. Silva stated the item would be corrected.

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

a) Mr. Silva reported there have been two (2) new cases filed since the last meeting. Case #2101 (Leatha Jones) and Case #2102 (Haro Halton).

POLICE REVIEW COMMISSION NEW OFFICES: 1947 Center St. Third Flr., 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/

- b) Upcoming Board of Inquiry: Aleta Stewart, Case #2060. Acting PRC Officer Dan Silva provided the March Board of Inquiry Schedule to Commissioners.
- c) Update on Staffing: Currently, there is no update on staffing.
- d) Request for a Rehearing, PRC Case #2071 filed by Diane Arsanis. Commissioners Smith **Moved** / Radisch **Seconded** not to rehear Case #2071. **Passed unanimously.**
- e) Recommendation for Administrative Closure, PRC Case #2056 filed by Nathanael Bennett. Commissioners White **Moved** / Sherman **Seconded** to administratively close. **Passed unanimously.**

Commissioner Ritchie asked about Mr. Bennett's response. Mr. Silva stated that he was understanding of the situation, but asked to be notified if the officer returned to duty. Mr. Silva agreed and will inform Chief Hambleton of Mr. Bennett's request.

- f) Recommendation for Administrative Closure, PRC Case #2093 filed by Edward Sutton. Commissioners White **Moved** / Sherman **Seconded** to administratively close. **Passed unanimously.**

Commissioner Radisch inquired about the redaction of complainant's address. Acting PRC Officer Dan Silva stated the redaction was the request of the complainant. Commissioner Smith and Commissioner White also asked questions regarding this matter. Mr. Silva stated that he would discuss this matter with office staff.

(A complete audio taped copy of this discussion is available upon request.)

- g) Recommendation for Administrative Closure, PRC Case #2074 filed by Bertha Williams. Commissioners Ritchie **Moved** / Wafer **Seconded** to administratively close. **Passed unanimously.**
- h) Recommendation for Summary Dismissal, PRC Case #2063 filed by Justin Williams. Commissioners Radisch **Moved** / Wafer **Seconded** to summarily dismiss. **Passed unanimously.**
- i) Recommendation for Summary Dismissal, PRC Case #2097 filed by Charles Jackson. Commissioners Sherman **Moved** / Ritchie **Seconded** to summarily dismiss. **Passed unanimously.**

Mr. Jackson commented in defense of his case. *(A complete audio taped copy of this discussion is available upon request.)*

- j) Recommendation for Summary Dismissal, PRC Case #2049 filed by Calvin Morris. Commissioners Radisch, Ritchie and Wafer, at the Board of Inquiry hearing on February 7, 2006, dismissed case #2049, filed by Calvin Morris.
- k) Recommendation for Summary Dismissal, PRC Case #2065 filed by Steven DeCaprio. Commissioner Radisch **Moved** / Smith **Seconded** to summarily dismiss. **Passed unanimously.**

Commissioner White commented concerning the redaction procedures of the above complaints. Mr. Silva will follow-up regarding this matter.

5. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT

None.

Commissioner White asked if there had been any progress with the internal investigation concerning the missing drugs.

Lt. Ahearn stated that he was not given anything to report and also he was not privy to the investigation.

Commissioner Ritchie requested an update regarding this matter from Chief Hambleton.

Acting PRC Officer Dan Silva reported that Chief Hambleton will attend the second meeting in March and present a field training program for sergeants.

Commissioner Kidd asked for feedback concerning the last Berkeley homicide.

Lt. Ahearn reported that the case was still under investigation.

6. COMMITTEE REPORTS (For Discussion or Action)

PRC Subcommittee: update regarding the Berkeley Police Department's Mutual Agreements. Understandings and Policies - 2005 Publication.

Commissioner Ritchie stated that the subcommittee met, but Commissioner Chung was not present for her input. However, the subcommittee did meet with Mr. Jim Chanin concerning several parts of the Mutual Agreements. He stated that the subcommittee has set a one-month deadline to complete their work and forward this information to the City Council.

7. OLD BUSINESS (For Discussion or Action)

a) **Tabled PRC Policy Issues:**

Glennel Givens Officer Involved Shooting Case.

Mr. Silva reported that Chief Hambleton will address the Commission in an upcoming meeting concerning the above issues.

Redaction of Records—Review of General Order Draft.

Refer to electronic mail from BPD Chief Douglas Hambleton regarding *Redacted Reports*.

Mr. Silva reported that Chief Hambleton reviewed the General Order with staff and concluded that the redacted reports had been improperly applied to the PRC. Any information concerning witnesses, PRC can receive through Internal Affairs.

Commissioner Ritchie stated that he's inclined to *move* to take out the Redaction item from the Agenda, but will wait until after the Policy Hearing for this action. Commissioner Ritchie also stated that redactions are still occurring within the reports received for hearings and suggested

a written agreement be established to support BPD's decision not to redact, although he understood there are exceptions concerning confidential police reports.

Mr. Silva reported that in the upcoming weeks there will be a Policy Hearing concerning the release of public records, and that a representative from the Berkeley Police Department will be in attendance.

b) "Strategic Planning for 2006." The purpose of this item is to plan and discuss:

Commissioner Chung was not in attendance to present the Strategic Planning for 2006, which will be rescheduled for discussion at a later date.

8. NEW BUSINESS

Commissioner Sherman respectfully commented on the traffic stop that resulted in the death of a California Highway Patrol Officer in Southern California. Commissioner Sherman expressed on behalf of the Commissioners their shared sorrow at the death of an officer to be conveyed to Chief Hambleton and Berkeley Police Officers. He stated that he personally has a greater appreciation as a Commissioner serving on the Board for the dangerous work that the Berkeley Police and officers from other jurisdictions carry out daily.

9. COMMUNICATIONS

See attached.

10. ADIJOURNMENT

Commissioner Radisch **Moved** / Ritchie **Seconded** to adjourn the meeting; **Passed Unanimously**.

BP