



## POLICE REVIEW COMMISSION REGULAR MEETING MINUTES

Wednesday, October 25, 2006  
6:00 P.M.

North Berkeley Senior Center  
1901 Hearst Avenue, Berkeley

1. CALL TO ORDER AT 6:10 P.M. AND ROLL CALL

Present: Acting Chairperson Commissioner Sharon Anne Kidd  
Acting Vice Chair Commissioner Sherry Smith  
Commissioner Kamau Edwards  
Commissioner Jack Radisch  
Commissioner David Ritchie  
Commissioner William White

Absent: Commissioner Tamyra Bryant  
Commissioner Michael Sherman

PRC Staff: Victoria Urbi, PRC Officer  
Maritza Martinez, Administrative Support

BPD Staff: Chief Douglas Hambleton  
Lt. Daniel Lee  
Sergeant Craig Juster

BPA: Officer Henry Wellington

2. ORDER OF AGENDA: No changes.

3. PUBLIC COMMENT: None.

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

A. Comments: None.

B. Status of complaints: one (1) complaint filed since the last meeting. Total number of open cases is thirty-one (31).

**POLICE REVIEW COMMISSION: 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](mailto:prc@ci.berkeley.ca.us) http:// [www.ci.berkeley.ca.us/prc/](http://www.ci.berkeley.ca.us/prc/)



- C. Commission Attendance Report: Addendum to the Annual Report for the period of November 2005 – September 2006 (Includes Special Meetings and Closed Session Meetings) (See Communications).
- D. Commission Activities Report: June – October 2006 (See Communications).
- E. Commission Vacancies: one (1). If interested in becoming a PRC Commissioner, contact the PRC or the office of Councilmember Linda Maio.
- F. Outstanding Commission Action Items:
  - Haro Halton case moved to the agenda of first PRC meeting in January 2007.
  - CAD training.
  - On December 13, 2006, the Commission will have elections for Chair and Vice Chair.

5. **BERKELEY POLICE DEPARTMENT CHIEF'S REPORT**

- A. Staffing: BPD will be overstaffed for a short period of time. Several retirements will occur at the end of November. There are three officers that will graduate from the Academy of Napa and four from the Academy of Contra Costa County. Five newly hired officers will start at the Academy in Sacramento.

Two sergeants and two officers are off on medical leave. Two officers are on light duty and one is on military leave. There is one full-time vacancy in the traffic unit. Positions not filled: two bicycle officers, one area coordinator officer, and a Marina officer.

Commissioner Radisch asked if the reserves help fill the gap.

Chief Hambleton explained that the post-training requirements for reserve officers are similar as for a regular officer. There are 20 reserve officers from which 10-12 are active. They are required to work one 8-hour shift a month and get paid federal minimum wage. It is hard for reserve officers to be hired as regular officers. Because of the training requirements that regular officers must endure, most likely regular officers will be hired.

Commissioner White asked if there is a recruitment program for reserves.

Chief Hambleton responded that there is not a strong recruitment program for reserves. One reason is there is not a big market for reserve officers.

- B. Administrative Action: One Berkeley police officer was engaged in an off-duty conduct in San Francisco where he is being prosecuted for a felony. This officer is currently on administrative leave and BPD is in the process of taking administrative action.
- C. Investigation: There is a Berkeley police officer, who is currently subject to a criminal investigation. At this time, the BPD cannot release any information because the case is under investigation. When the case is completed, a police report will be released.
- D. Other issues: Commissioner Ritchie questioned the fact that on October 23, he saw a police officer videotaping a crowd during the rally at City Hall to see the ex-Vice-President Al Gore.

Chief Hambleton responded that videotaping crowds is standard procedure. This is done mainly to prevent people from the crowd to commit any criminal acts.

6. COMMITTEE REPORTS (For Discussion or Action)

A. Subcommittee: Draft Regulations for Investigations of First Amendment Activities

Commissioner White stated that the subcommittee was waiting for BPD's response on the proposed policy.

Chief Hambleton said the process is on hold because they are waiting to talk to the City Attorney's office about this matter before the BPD proceeds.

Ms. Urbi referred to the PRC Policy Subcommittee's chart and pointed out that Dan Silva, PRC Investigator, will staff the Criminal Intelligence Subcommittee. Since the former Chairperson, Annie Chung, is no longer on the Commission, the subcommittee needs to elect a new Chair. Ms. Urbi recommends that the election take place soon. The subcommittee members are: Commissioners Radisch, White, Ritchie and Sherman. Ms. Urbi recommended to the subcommittee to develop a timeline to review the proposed policy and follow up with BPD on their recommendations.

B. Subcommittee: Review of BPD's Evidence Theft Issues

Commissioner White reported that meetings are on hold until after the November 14, 2006 stipulation. No meeting date has been set at this point.

Ms. Urbi referred to the PRC Policy Subcommittees chart, which was handed out. The chart references the subcommittees' goals and the status of each of the PRC subcommittees.

Chief Hambleton provided an update on the Peace Officer Standards and Training (POST) Report. The report needs to be reviewed by a new person assigned to this case since the one before has retired.

7. OLD BUSINESS (For Discussion or Action)

A. Bay Area Police Oversight Network (BAYPON)

a. Staff Report

Commissioner White stated that he now has a list of other community police oversight agencies. The next thing to do is to set up a date to meet and then send invitations out. Commissioner White has talked to Chairperson Kidd and Vice Chair Smith about the agenda for the first meeting and they all have decided that the theme will be the Copley Press decision.

b. Discussion

Ms. Urbi asked Commissioner White if he wanted to form a subcommittee to plan the BAYPON meeting or if he wanted the full Commission to attend the regional meeting. "Will this be a one-time meeting or a regular meeting of BAYPON?" She stated that the other civilian oversight agencies from the Bay Area have different structures and some of them recommend discipline and some do not. Thus, the Copley Press decision applies differently to the various agencies.

Commissioner White stated that BAPON is a group of local civilian oversight agencies that have lost connection in the past three years. Meetings consist of updating each agency on events occurring at their sites. Commissioner White said, "Because the Copley ruling

affects police oversight in general, it was my idea that we bring it together and talk about it even though it doesn't impact some other agencies." He would like the PRC to be the host Commission.

Commissioner Smith suggested that other concerns be addressed at the BAYPON meeting besides the Copley Press ruling.

**c. Action: M/S/C (Kidd/White) Unanimous to form a subcommittee to plan the BAYPON meeting. Ayes: Kidd, Smith, Edwards, Radisch, Ritchie and White. Noes: None. Abstain: None. Absent: Bryant and Sherman.**

8. APPROVAL OF JULY 26, 2006 MINUTES

**Action: M/S/C (Smith/Radisch) to approve the July 26, 2006 minutes. Ayes: Kidd, Smith, Radisch, and Ritchie. Noes: None. Abstain: White and Edwards. Absent: Bryant and Sherman.**

9. COMMUNICATIONS

Attached.

10. ADJOURNMENT

Meeting was adjourned at 6:45 p.m.

Anyone attending a Police Review Commission meeting is welcome to speak during the Public Comment section and may be invited to speak on agenda items during the course of the meeting. No action or discussion shall be taken on any items not appearing on the posted agenda, except that members of the Commission may briefly respond to statements made or questions posed by members of the public. Any member of the Commission may direct staff to place a matter of business on a future agenda.

Please refrain from wearing scented products to public meetings. Chapter IV, Section E(2) of the Commissioners Manual, Resolution 60,683-NS. **To request a meeting agenda in large print, Braille, or on cassette, or to request a sign language interpreter for the meeting, call 981-6900 (voice) or 981-6903 (TDD); at least five working days notice will ensure availability.**