



POLICE REVIEW COMMISSION REGULAR MEETING MINUTES

Wednesday, November 8, 2006
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER BY ACTING CHAIRPERSON SHARON KIDD AT 7:06 P.M.

ROLL CALL AND ATTENDANCE

Present: Acting Chairperson Sharon Anne Kidd
Commissioner Kamau Edwards
Commissioner Jack Radisch
Commissioner Michael Sherman
Commissioner William White

Absent: Acting Vice Chairperson Sherry Smith
Commissioner Taymyr Bryant
Commissioner David Ritchie

PRC Staff: Victoria Urbi, PRC Officer
Stephanie Ahn, U.C. Berkeley Intern

BPD Staff: Lieutenant Hester
Sergeant Murray

BPA: None

2. AGENDA ORDER CHANGES: None

3. PUBLIC COMMENT

Zachary Running Wolf Brown stated his concern that his current complaint filed with the PRC would not be processed until after November 14, 2006 as his trial (for the events of which he filed a complaint with the PRC) is on November 14, 2006. He fears he will go to jail without proper review of his complaint. Also, Mr. Brown recommends for the BPD to place cameras in their drug vaults to monitor the theft, as well as drug testing the five police officers that hold keys to the vault.

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 http:// www.ci.berkeley.ca.us/prc/



4. PRC OFFICER'S REPORT (For Discussion or Action)
 - A. Comments
 - a. Beverly Powell, administrative support staff, returned to work from leave. She had been out since July.
 - b. The PRC has two new U.C. Berkeley interns, Stephanie Ahn and Melodie Yashar.
 - B. Status of complaints
 - a. There are 31 open cases.
 - b. No new complaints have been filed since the last meeting.
 - C. Commission Vacancies
 - a. There is 1 commissioner vacancy from Councilmember Linda Maio.
 - b. Mayor Bates reappointed Commissioner Ritchie.
 - D. Outstanding Commission Action Items
 - a. The next meeting is December 13, 2006, where there will be elections for chair and vice chair of the Commission.
 - E. Berkeley Police Association v. City of Berkeley and City of Berkeley Police Review Commission information on PRC web site. On November 14, 2006, the motion for summary judgment hearing will take place.
5. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT
 - A. BPD representative report: 5 officers were hired and are scheduled for academy. The BDP has over-hired 3 positions, but this over-hiring has been approved by the City Manager due to upcoming retirements. The Chief of the BPD plans to discuss internally the evidence handling recommendations and then make a presentation at a PRC meeting. An internal administrative investigation is underway in the BPD, which should end in about a month.
6. COMMITTEE REPORTS (For Discussion or Action)
 - A. Subcommittee: Draft Regulations for Investigations of First Amendment Activities.
 - a. Staff Report: The meeting scheduled for November 8, 2006 was cancelled due to the limited availability of some commission members. Captain Gustafson will provide an update on the proposed policy in about 2 weeks. The subcommittee will wait for BPD's response and meet when the draft is ready. The subcommittee will then bring the draft to the full commission for approval sometime in December or January.
 - b. Meeting Update: None
 - c. Discussion: PRC Officer Victoria Urbi stated that Captain Gustafson has been preparing the draft regulations. He was invited to the subcommittee meeting, so that BPD could provide information on the status of the draft. The purpose of the subcommittee meeting on November 8 was to set up a timeline and what the next steps should be. Since the subcommittee members cancelled the meeting, it would have been preferable in the future for staff to receive earlier notice, so that the public could be properly notified.

- B. Subcommittee: Review of BPD's Evidence Theft Issues
 - a. Staff Report: PRC Officer Urbi states that the subcommittee is on hold until after the November 14, 2006 court hearing so that the PRC can figure out how to deal with the confidentiality of police officers' identities, and how to continue with the investigations.
 - b. Commission Discussion: None

- 7. OLD BUSINESS (For Discussion or Action)
 - A. Bay Area Police Oversight Network (BAYPON)
 - a. Commissioner Report: Commissioner White met with the Richmond PRC officer and they are planning on creating an agenda for a meeting around January.
 - b. Commission Discussion: None
 - c. Action: None
 - B. Public Hearing on October 25, 2006 regarding "The Future of the Police Review Commission"
 - a. Debriefing comments: The Commission is waiting until after November 14' 2006 to comment.

- 8. APPROVAL OF SEPTEMBER 13, 2006 MINUTES
Action: M/S/C (White/Radisch) To approve the September 13, 2006 minutes. Ayes: White, Radisch and Edwards. Noes: None. Abstain: Sherman, Kidd. Absent: Smith, Bryant, Ritchie.

- 9. COMMUNICATIONS
 Attached.

- 10. ADJOURNMENT: Meeting was adjourned at 7:39 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.**