



POLICE REVIEW COMMISSION REGULAR MEETING MINUTES

Wednesday, September 5, 2007
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER BY CHAIRPERSON SHARON KIDD AT 7:04 P.M.

ROLL CALL AND ATTENDANCE

Present: Chairperson Sharon Kidd
Vice Chair Michael Sherman
Commissioner Kamau Edwards
Commissioner Jonathan Huang
Commissioner William White

Absent: Commissioner Sherry Smith

PRC Staff: Victoria Urbi, PRC Officer

BPD Staff: Lt. Hart and Sgt. Reece

2. ORDER OF AGENDA

No changes.

3. PUBLIC COMMENT:

Ruby Cospers asked about the letter she received from the PRC regarding her case.

4. APPROVAL OF MINUTES

A. Regular Meeting: June 27, 2007

Motion to approve minutes. M/S/C (White/Huang) Motion passed.

Ayes: Kidd, Edwards, Huang and Sherman. Noes: None.

Abstain: White. Absent: Smith.

B. Closed Session: July 11, 2007

Motion to approve minutes. M/S/C (Sherman/Huang) Motion passed.

Ayes: Kidd, Edwards, Huang and Sherman. Noes: None. Abstain: White. Absent: Smith.



1947 Center Street, Third Floor, 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/

C. Regular Meeting: July 11, 2007

Motion to approve minutes. M/S/C (Sherman/Huang) Motion passed.

Ayes: Kidd, Edwards, Huang and Sherman. Noes: None. Abstain: White. Absent: Smith.

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

A. Status of complaints: PRC currently has 67 open cases. The large caseload is due to the pending litigation and that the Commission has been unable to close any cases for the last year. Staff has sent all the complainants a letter to update them on their case and the status of our hearings. The purpose of the letter was to inform the complainants that we are still investigating their case, but we are unable to have a hearing or make a determination on their complaint until a judge determines what procedures the PRC must follow on hearings.

B. Lawsuit update: The Commission was provided with the Berkeley Police Association's response to the City's brief. This will be available on the PRC website. The City will file a reply to BPA's response on September 11 and both parties are scheduled for a hearing on September 14, 9:00 a.m. in Department 31.

Commissioner Sherman suggested that once the judge makes a ruling on how PRC must conduct the hearings, the Commission should be given training on the procedures.

C. Staffing update: Former PRC Investigator Fred Vides decided to resign and that was his own decision. Before he resigned, the City Manager approved the hiring of a second temporary investigator to assist with the backlog of cases. When Barbara Mann accepted the position, Mr. Vides gave the PRC his notice to resign.

A memorandum was provided to the Commission introducing Barbara Mann as the new PRC Investigator. She is a public interest attorney with extensive experience working with low-income, homeless and mentally ill clients. She was also a volunteer attorney for the Homeless Action Center in Berkeley.

Commissioner White stated that in the past, Commissioners participated on the interview panel when positions became open. He questioned why the Commission was not a part of the hiring panel for the Investigator.

D. National Association of Civilian Review of Law Enforcement (NACOLE) Conference: The full Commission, except Commission Huang because he has school, will attend the conference as training for the Commissioners. The PRC will pay for the registration of all the Commissioners. Commissioners will be responsible for their own transportation, parking, and food, except Chairperson Kidd..

E. Commission vacancies: The Commission still has 3 vacancies, with open seats from the Mayor, Councilmember Maio and Councilmember Olds.

Chairperson Kidd stated that these seats have been open for quite some time, so she suggested that a letter should be written to the City Council encouraging the Mayor and two Council members to either appoint a commissioner or perhaps allow another Councilmember to appoint one for them if they cannot find a commissioner.

Motion to draft letter to the City Council from the PRC Commissioners to emphasize that the Mayor, Councilmember Olds and Councilmember Maio have had open seats for a long time and that the vacancies need to be filled. M/S/C (Sherman/Huang) Motion passed unanimously.

Ayes: Kidd, Edwards, Huang, Sherman and White. Noes: None. Abstain: None. Absent: Smith.

F. Comments: None.

6. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT

The Chief had nothing to report.

Commissioner Sherman inquired about BPD's Marijuana Enforcement Activity Report and that he believed BPD made possession of marijuana a low priority. He also asked about how the citation or arrest due to marijuana could affect a student's school or loan record.

Lt. Hart stated that all the cases listed on the report are public record and he could look up each case through their Records Department.

7. COMMITTEE REPORTS (For Discussion or Action)

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

a. Commissioner Sherman's update: He just returned from vacation and plans to meet with this Subcommittee soon.

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

a. Commissioner White's update: The policy report is almost complete and the Subcommittee plans to issue the report by October.

b. Discussion: Ms. Urbi stated that the City Manager and Chief would like to comment on the report and meet with the Subcommittee before the report goes to the Commission. Ms. Urbi will email the Subcommittee members on the meeting information.

c. Next Subcommittee meeting: September 17, 5pm at South Berkeley Senior Center.

8. OLD BUSINESS

A. National Night Out Update: Chairperson Kidd reported that she had a good time and encouraged commissioners to participate next year as it's a good way to prevent crime and become involved in the community.

B. Copwatch Conference: Commissioner Huang reported that many people came from all over the country and he was interested to know that they faced similar issues, particularly in Sonoma County. The highlight of the conference was the mental health issues and how police deal with this population. They also discussed the Public Commons for Everyone Initiative.

Chairperson Kidd also stated that she met with a group from Sonoma County who is interested in starting a civilian oversight body in that area, because they are experiencing a lot of problems.

9. COMMUNICATIONS

Attached.

10. **ADJOURNMENT**
Meeting was adjourned at 8:05 P.M.